



**FIRST - TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case Reference : **MAN/00CC/LDC/2025/0660**

Property : **Tarn House, Union Street, Barnsley
S70 1 HH**

Applicant : **Tarn House RTM Company
Limited**

Respondents : **The Residential Long Leaseholders**

Type of Application : **Section 20ZA Landlord & Tenant Act
1985**

Tribunal Members : **Judge S Wickham
Judge A Davies
Mr N Foster (Valuer Member)**

Date : **06 March 2026**

DECISION

DECISION

The Tribunal grants dispensation from the consultation requirements of section 20 of the Landlord and Tenant Act 1985 under section 20ZA of that Act in respect to qualifying works to the Property required for fire safety reasons.

The Application

1. In their application dated 18 August 2025, the Applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 (“the **Act**”) for dispensation from consultation in respect of fire safety works relating to the remediation of compartmentation failures within the escape routes and common parts of the Property following the service of a Prohibition Notice on the building dated 23 July 2025 by South Yorkshire Fire and Rescue.
2. The Service Charge (Consultation Requirements) Regulations 2003 provide that consultation requirements are triggered if the landlord plans to carry out qualifying works which would result in the contribution of any leaseholder exceeding £250. If the consultation procedure is not followed, each leaseholder’s contribution to the cost is limited to £250. The cost of the fire safety works in the subject application exceeds this threshold.
3. By directions dated 27 November 2025 (“the **Directions**”), the Tribunal directed the Applicant to provide a bundle of documents to the Tribunal consisting of (amongst other documents) i) a full statement of case explaining why the application has been made; ii) any correspondence sent to the leaseholders in relation to the works; iii) detailed reasons for any urgency of the works and the consequences upon lessees of any delay; and iv) any quotes or estimates for the proposed works and relevant reports (including full details of attempts made by the Applicant to obtain quotes or estimates). The Tribunal also directed the Applicant to send each of the Respondents a copy of the Tribunal bundle.
4. The Directions required any Respondent who opposed the application, to send to the Applicant and the Tribunal, any statement they wish to make in response to the Applicant’s case. The Tribunal has received no such statements or replies from the Respondents.
5. The Directions provided that the Tribunal would decide the matter on the basis of written submissions and without an inspection of the Property unless any party requested a hearing and/or an inspection. No such request has been made.

The Applicant’s case

6. The Property is a three-storey building, consisting of 15 flats, which was constructed in 2009. The Applicant is the management company who

covenants with the landlord and separately with the 15 leaseholders of the flats to provide the “Services”, which are detailed in the fifth schedule of the leases. The Respondent’s leases are in similar terms, and one sample has been provided to the Tribunal. The “Services” include the obligation to “repair, maintain and decorate the Common Parts of the building”. The “Common Parts” are defined to include “the corridors and landings intended for use in common by some or all of the occupants of the building.”

7. In its application, the Applicant explained that during a review of the Property, South Yorkshire Fire and Rescue Service noted deficiencies in the compartmentation within the ceiling voids serving the communal areas. In consequence, the Property was deemed unsafe for occupation and, on 23 July 2025, a Prohibition Notice was served on the Property. This required all of the residents of the Property to be evacuated and placed into temporary accommodation. A copy of the Prohibition Notice was provided to the Tribunal within the Applicant’s bundle.
8. The Applicant’s case is that it was not reasonably practicable to undertake the statutory consultation process in respect of the works because of the urgency to remove the Prohibition Notice placed on the Property by undertaking the works to remove the fire safety risk and enabling the residents to return to their homes as quickly as possible.
9. The Applicant obtained two quotes for the fire safety works, as evidenced to the Tribunal in its bundle, and instructed the company who had provided the lowest price to complete the remediation works. This application for dispensation was made on 18 August 2025 prior to the works completing as the works were considered to be urgent for the reasons detailed at paragraph 8 above.

The Respondent’s case

10. No Respondents objected to the application.

Determination and Reasons

11. Section 20ZA of the Act provides:

“Where an application is made to the appropriate tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.”
12. The whole purpose of section 20ZA is to permit a landlord to dispense with the consultation requirements of section 20 of the Act if the Tribunal is satisfied that it is reasonable for them to be dispensed with.
13. The Tribunal has taken account of the Supreme Court decision in *Daejan Investments Limited v Benson and others* [2013] UKSC 14, in which Lord Neuberger, in summary, said that the tribunal should focus on the

extent, if any, to which the tenants were prejudiced in either paying for inappropriate works or paying more than would be appropriate as a result of the failure by the landlord to comply with the regulations. He described such prejudice (paragraph 65 of his judgment) as a disadvantage “*which they would not have suffered if the requirements had been fully complied with, but which they will suffer if unconditional dispensation were granted*”. It is for the leaseholders to show that they have been prejudiced, and it “*does not appear onerous to suggest that the tenants have an obligation to identify what they would have said [by way of representations in response to a section 20 consultation], given that their complaint is that they have been deprived of the opportunity to say it*” (at paragraph 69 of the judgement).

14. There is no evidence before the Tribunal that the Respondents were prejudiced by the failure of the Applicant to comply with the consultation requirements in relation to the works which were completed at the end of August 2025. The Tribunal notes in particular the Applicant’s reasons for making the application as detailed at paragraph 8 above, including the urgency of completing the works to address the safety risks and remove the Prohibition Notice. It is also noted that the works were completed more than six months ago, and the Respondents have raised no objections to the application.
15. The Tribunal is therefore satisfied that it is reasonable to grant dispensation with all or any of the consultation requirements set out in section 20 of Act in respect of the fire safety works undertaken at the Property which concluded in August 2025.
16. This decision does not affect the Tribunal’s jurisdiction upon any future application to make a determination under section 27A of the Act in respect of the reasonableness and/or the cost of the works.

Name: Judge S Wickham

Date: 10 March 2026

ANNEX – RIGHTS OF APPEAL

1. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) then a written application for permission must be made to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application for permission to appeal must arrive at the Regional office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.
3. If the application is not made within the 28-day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed despite being within the time limit.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal, and state the result the party making the application is seeking.