



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

Case Reference : HAV/00HG/LDC/2026/0016

Property : Eleanor House, George Place, Plymouth,
PL1 3NZ

Applicant : Eleanor House RTM Company Limited

**Applicants’
Representative** : None

Respondents : The leaseholders at Eleanor House

**Respondents’
Representative** : None

Type of Application : To dispense with the requirement to
consult lessees about major works section
20ZA of the Landlord and Tenant Act
1985

Tribunal Members : D W Cotterell FRICS

Venue : Papers

Date of Decision : 12 March 2026

DECISION

DECISION

- 1 The Tribunal determines under section 20ZA of the Landlord and Tenant Act 1985 to dispense retrospectively with all the consultation requirements in respect of works at the Property required to:
 - (i) Install a Grade A fire alarm to BS5839;
 - (ii) Install emergency lighting to BS5266-1;
 - (iii) Install lighting on stairs and landings;
 - (iv) Install lighting outside fire exits (front and back)
 - (v) Repair or replace rear exit gate (fire escape)

REASONS

The application

- 2 The Applicant is the RTM company administering the block at Eleanor House, George Place, Plymouth, PL1 3NZ, a former police station building converted to provide 12 flats.
- 3 The Applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985, as amended ("the 1985 Act") for the retrospective dispensation of consultation requirements in respect of certain "qualifying works" (within the meaning of section 20ZA). The works are required to respond to an improvement notice (pursuant to the Housing Act 2004, sections 11 & 12) that was served on "The multiple Lessees who make up the membership of Eleanor House RTM Company Limited" on 8 May 2025 (under reference 005992/B2).
- 4 That notice identified deficiencies, *inter alia*, as follows (giving particulars in each case):
 - "... *lack of, or defective, smoke and/or heat detectors with alarms or of detection and alarm system.*

... *inadequate safe means of escape in case of fire (viz.) No emergency lighting... gate to lower ground floor exit difficult to open ... Artificial lighting defective”.*

- 5 The respondents are the leaseholders of the flats in the property who are potentially responsible for the cost of the works under the terms of their lease. The required works are described above at 1 (i)-(v). The Tribunal understands that works were required to be completed by 1 March 2026. No previous notice under s.20 of the 1985 Act was given to respondent leaseholders, although instructions to that purpose had been given to a managing agent.
- 6 By virtue of sections 20 and 20ZA of the 1985 Act, any relevant contributions of the respondents through the service charge towards the costs of these works would be limited to a fixed sum (currently £250) unless the statutory consultation requirements, prescribed by the Service Charges (Consultation etc) (England) Regulations 2003 were: (a) complied with; or (b) dispensed with by the tribunal. In this application the only issue is whether it is reasonable to dispense with the consultation requirements.
- 7 **Any issue as to the reasonableness and/or payability of service charges under the leases relating to the costs incurred/to be incurred, may be the subject of a separate application by the landlord or leaseholders under section 27A of the 1985 Act for a determination by the Tribunal.**

The Relevant Law

- 8 Section 20ZA of the 1985 Act, subsection (1) provides: “*Where an application is made to a 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.*”
- 9 In the case of Daejan Investments v Benson and others [2013] UKSC 14 the Supreme Court set out certain principles relevant to section 20ZA. Lord Neuberger clarified that the purpose of sections 19 to

20ZA of the Act was to ensure that tenants are protected from paying for inappropriate works and paying more than would be appropriate. He went on to state: “... *it seems to me that the issue on which the [tribunal] should focus when entertaining an application by a landlord under section 20ZA(1) must be the extent, if any, to which the tenants were prejudiced in either respect by the failure of the landlord to comply with the requirements*”.

Paper determination

- 10 The application is dated 26 January 2026. Directions were issued by the Tribunal on 28 January 2026. The Applicant landlord was required upon receipt of the directions (1) immediately to write to each of the Respondents, send them a copy of the same including the Statement of Rules and procedures and Guidance on pdf bundles together with a copy of the application (if not already sent) and (2) by 30 January 2026 to confirm to the Tribunal that this has been done.
- 11 The Directions gave those leaseholders or tenants who oppose the application until 6 February 2026 to respond to the Tribunal by completing a reply form and returning it electronically to the Tribunal. At the same time, any leaseholder or tenant in opposition would need to send to the landlord a statement in response to the application with a copy of their reply form and copies of documents relied upon.
- 12 No response or objection has been submitted by the respondents who have taken no active part in this application.

Consideration

- 13 The tribunal has the jurisdiction to grant dispensation under section 20ZA of the 1985 Act “if satisfied that it is reasonable to dispense with the requirements”.

- 15 The applicant explains that the decision was taken to proceed with the fire safety works stipulated in the Improvement Notice without compliance with the consultation requirements within section 20 of the 1985 Act so that the works were done by the required completion date of 1 March 2026.
- 16 Only brief details of the works is provided; nevertheless, in the absence of any objections or submissions from the respondents, the tribunal has no reason to question the need and urgency of the works given the description of the circumstances of the Improvement Notice.
- 18 As none of the respondents have raised objection to the works, the Tribunal finds no evidence that they would suffer prejudice if dispensation were to be granted.

The Tribunal's decision

- 19 In the circumstances set out above, the Tribunal considers it reasonable to dispense with the consultation requirements. Accordingly, dispensation is granted pursuant to section 20ZA of the 1985 Act.
- 20 This decision does not affect the tribunal's jurisdiction upon any future application to make a determination under section 27A of the Act as to the reasonableness of the work and/or whether any service charge costs are reasonable and payable.
- 21 There is no application before the Tribunal for an order under section 20C (limiting the ability of the landlord or RTM company to seek their costs of the dispensation application as part of the service charge). This could be the subject of a future application should any costs be charged to the leaseholders.
- 22 It is the responsibility of the Applicant to serve a copy of this decision on all Respondents.

RIGHTS OF APPEAL

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the Tribunal is required to notify the parties about any right of appeal they may have.

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. The application should be made on Form RP PTA available at <https://www.gov.uk/government/publications/form-rp-pta-application-forpermission-to-appeal-a-decision-to-the-upper-tribunal-lands-chamber>

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.

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 not being within the time limit.

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.

If the Tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).