



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

Case Reference	: MAN/00BW/LDC/2025/0687
Property	: Trencherfield Mill, Heritage Way, Wigan
Applicant	: Contour Property Services Limited
Respondents	: The residential long leaseholders of apartments at the Property
Type of Application	: Landlord & Tenant Act 1985 – Section 20ZA
Tribunal Members	: Judge A Davies T Gledhill FRICS
Date of Decision	: 5 May 2026

DECISION

1. Subject to paragraph 2 below, the consultation requirements contained at section 20 of the Landlord and Tenant Act 1985 are dispensed with in relation to the replacement of emergency lighting in Trencherfield Mill, Heritage Way, Wigan from June to September 2025.
2. The Applicant shall serve this decision on each of the Respondents no later than 5 working days after the date of this decision.

REASONS

The Respondents' leases

1. The Applicant provides leasehold management services to Nuttall Construction Limited (in liquidation), the owner of the building known as

Trencherfield Mill, Wigan (“the Property”). The Property contains 52 apartments which the Respondents hold on long leases. The Applicant’s estate at Trencherfield Mill also includes commercial units. The residential leaseholders share common access areas and services within Trencherfield Mill, and these are referred to in the leases as the Mill Common Parts.

2. The leaseholders have formed a Residents’ Association, which is represented by one of the leaseholders, Mr David King. The Tribunal has no information as to whether all the Respondents are members of the Residents’ Association.
3. The Applicant’s management obligations in relation to the Mill Common Parts are set out in Schedule 5 to the apartment leases and include an undertaking at paragraph 21 of Schedule 5 to provide the following services: *“the repair, decoration, maintenance, renewal, replacement, and upkeep of the Mill Common Parts ... and the equipment and fittings within the Mill Common Parts”* Paragraph 23 provides for *“the operation maintenance and replacement of such fire prevention and fire fighting equipment and apparatus in the Mill Common Parts as the Company may deem desirable or necessary or as may be required to be supplied and maintained by them by statute or by the fire authority for the district.”* The lease contains similar obligations on the part of the Applicant to maintain and repair the other common areas of the estate and the services in those areas.
4. At clause 5 of the lease, the leaseholder covenants to pay *“a fair and proper proportion”* of the cost to the Applicant of meeting its management obligations as set out in Schedule 5.

The Law

5. Section 20 of the Landlord and Tenant Act 1985 (“LTA 1985”) and regulations made under that section set out a detailed consultation procedure to be followed by property managers who intend to carry out work to a property at the expense of the leaseholders, where any

leaseholder may be expected to have to contribute more than £250 to the overall cost. If the statutory consultation procedure is not followed, each leaseholder's contribution to the cost is limited to £250.

6. Section 20ZA, LTA 1985, permits a manager to apply to the tribunal for dispensation from the consultation requirement. The leading case on the application of section 20ZA is *Daejan Investments v Benson* [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 (at paragraph 65 of his judgement) as a disadvantage "*which they would not have suffered if the requirements had been fully complied with, but which they will suffer if an 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).

The application

7. On 7 April 2025 Prana Building Services Consultancy provided a report on fire safety within the Property and warned the Applicant that it was necessary to replace all the emergency light fittings within the Mill Common Parts.
8. Taking the view that this work was urgently required for the safety of the occupiers of the Property in the event of a fire, the Applicant decided to abbreviate the section 20 consultation procedure by allowing 7 days for responses at each stage of the consultation instead of the statutory 30 days. The Applicant held a meeting with the Residents' Association on 13 May and invited all leaseholders to a meeting on 14 May. On 14 May a notice of intention to carry out the work was sent to all leaseholders with an

invitation to make any observations in writing within 7 days. On 30 May a statement of estimates was sent to all leaseholders, advising that two quotations had been received. The lower of these, £162,000, was provided by Naylor Electrical and would require a service charge contribution of approximately £654 from each leaseholder. This figure represented 21% of the total cost of the work, the remaining 79% being provided by the Applicant.

9. So far as is known, no written observations were supplied to the Applicant in response to the notice of intention or the statement of estimates.
10. The Applicant applied to the tribunal on 24 October 2025 for dispensation from the requirement to comply fully with the consultation requirements of section 20 of the LTA 1985.
11. With the consent of both parties, the Tribunal made its determination on the basis of papers provided, without inspecting the Property or hearing the parties in person.

The Respondents' case

12. Mr King has raised an objection to the application on behalf of the Residents' Association. He accepts that the Applicant was obliged to have the emergency lighting replaced as a matter of urgency. His objections to the application are as follows:

(a) The failure of the emergency lighting system was caused by poor management on the part of the Applicant, namely a failure to inspect and repair the system on a regular basis. Mr King has instructed Millcroft Design Services Limited to correspond with the Applicant regarding this failure, and to demand sight of all inspection reports and associated paperwork such as maintenance schedules and invoices.

(b) The seven day period allowed in the notice of intention dated 14 May 2025 did not allow the Respondents to obtain an independent survey of the lighting system, or to invite quotations from alternative contractors.

13. Mr King asks the Tribunal to refuse to grant dispensation on the grounds that the emergency arose from the Applicant's own breach of duty. He requests a determination under section 19 of the LTA 1985 that the cost of replacing the emergency lighting system was not reasonably incurred, and so is not recoverable from the Respondents.

The Tribunal's findings

14. The Respondents have not shown that any financial prejudice has been suffered as a result of the lack of full section 20 consultation on the nature or extent of the remediation works or their cost. The Respondents did not explain what emergency lighting survey they would have obtained, or what costs estimates they would have sought from other contractors if they had had time to do so. They have not shown that those costs estimates would have been lower than that of Naylor Electrical.
15. The remediation work was urgently required in order to ensure that the occupiers of the Property could be evacuated safely in the event of a fire. The work that was undertaken was appropriate and in line with the report the Applicant had received from Prana Building Services Consultancy. The Applicant did not have time to carry out a full section 20 consultation procedure.
16. Despite this, the Applicant held meetings with the leaseholders and informed them that the work was to be undertaken. They explained the consultation procedure and why they were unable to comply with it. They invited observations and questions.

17. Tenders were sought from two contractors, and the lower price was accepted. The Respondents provided no evidence that awarding the contract to Naylor Electrical was detrimental to the Respondents.

Conclusion

18. The Applicant is entitled to an order dispensing it from the requirement to comply with the Service Charges (Consultation Requirements)(England) Regulations 2003 in relation to the emergency lighting remediation work undertaken at the Property.
19. Mr King's concerns as to whether the whole or any part of the cost of the work is properly recoverable as a service charge should be raised, if the Respondents so wish, by way of an application to the tribunal under section 27A of the LTA 1985, which deals with the reasonableness and payability of service charge claims. The Tribunal has no jurisdiction to address those issues in the present application.

Right 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 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).