



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

Case References : **MAN/00BN/LDC/2025/0666**

Property : **Loom Street Ancoats
Manchester M4 6AN**

Applicant : **Abacus Land 4 Limited**

Representative : **Linda Dolan – Premier Estates
Limited**

Respondents : **The Residential Long Leaseholders**

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

Tribunal : **Judge John Murray
Aaron Davis MRICS**

Date of Directions : **9th April 2026**

ORDER

1. An application was made on the 11th September 2025 for dispensation from consultation for major works pursuant so s20ZA Landlord and Tenant Act 1985 to the building knowns as the BS41, 20 – 22 Loom Street Ancoats Manchester M4 6AN (“the Property”).
2. The applications related to major works to the Property,
3. The Application related to upgrades were required to the original Automatic Opening Vents (AOV) in order to comply with current legislation. The development is deemed as a high rise apartment block over 18 meters high. By the time the application was made, the works had been completed.
4. Directions were made by the Tribunal on 4th December 2025 by a Legal Officer. It was proposed that the matter proceed as a paper determination.
5. No leaseholder responded to the application.

THE LEGISLATION

The relevant legislation is contained in s20ZA Landlord and Tenant Act 1985 which reads as follows:

s20 ZA Consultation requirements: supplementary

- (1) 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.
- (2) In section 20 and this section— “qualifying works” means works on a building or any other premises, and “qualifying long term agreement” means (subject to subsection (3)) an agreement entered into, by or on behalf of the landlord or a superior landlord, for a term of more than twelve months.
- (3) The Secretary of State may by regulations provide that an agreement is not a qualifying long term agreement—
 - (a) if it is an agreement of a description prescribed by the regulations, or
 - (b) in any circumstances so prescribed.

(4) In section 20 and this section “the consultation requirements” means requirements prescribed by regulations made by the Secretary of State.

(5) Regulations under subsection (4) may in particular include provision requiring the landlord—

(a) to provide details of proposed works or agreements to tenants or the recognised tenants’ association representing them,

(b) to obtain estimates for proposed works or agreements,

(c) to invite tenants or the recognised tenants’ association to propose the names of persons from whom the landlord should try to obtain other estimates,

(d) to have regard to observations made by tenants or the recognised tenants’ association in relation to proposed works or agreements and estimates, and

(e) to give reasons in prescribed circumstances for carrying out works or entering into agreements.

(6) Regulations under section 20 or this section—

(a) may make provision generally or only in relation to specific cases, and

(b) may make different provision for different purposes.

(7) Regulations under section 20 or this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament

THE APPLICATION

6. The Applicant’s property manager, Linda Dolan of Premier Estates, filed and served a statement of case dated 13th January 2026.
7. In that statement she confirmed that Premier Estates had been the managing agent for the Property since 2008.
8. The Property was described as being a purpose built development erected post 1991, consisting of 48 residential apartments and one commercial unit. The

commercial unit formed part of the ground and first floor. The apartments were all let on similar long terms leases.

9. The Applicant found out that works were required to the AOV system. They requested quotes for the work, and the contract was awarded to Solid State, who completed the work in 2025.
10. Premier Estates had issued a Notice of Intention to leaseholders on 13 May 2025 pursuant to section 20 of the 1985 Act. A dispensation claim was made on the 11th September 2025 to “ensure the safety of the occupiers”.
11. The statement of case confirmed that the works were required urgently. It asserted that there was no prejudice caused by the relaxation of further requirements of consultation that the Applicant was aware of. Ms. Dolan said that the Applicant had liaised with leaseholders about the works and remained willing to discuss any concerns any leaseholder might have.

THE DETERMINATION

12. The Tribunal has jurisdiction to dispense with consultation under Section 20ZA (1) which provides the Tribunal may do so where “*if satisfied that it is reasonable to dispense with the requirements*”.
13. The only issue for the Tribunal to consider under section 20ZA is whether or not it is reasonable to dispense with the consultation requirements. The application does not concern the issue of whether any service charge costs resulting from the contracts are reasonable or indeed payable and it will be open to lessees to challenge any such costs charged by the Applicant under section 19 of the Act, if, for example they did not believe the Applicant was entitled to charge for utilities under the terms of their occupancy agreement
14. This was confirmed by HHJ Huskinson in the Upper Tribunal who considered the jurisdiction for prospective dispensation under s20ZA in the case of **Auger v Camden LBC [2008]**. The Upper Tribunal confirmed that the Tribunal has broad judgment akin to a discretion in such cases. The dispensation should not however be vague and open ended. The exercise of discretion to grant dispensation requires the clearest of reasons explaining its exercise

15. Dispensation was considered in depth by the Supreme Court in **Daejan v Benson [2013] UKSC14** which concerned a retrospective application for dispensation. Lord Neuberger confirmed that the Tribunal has power to grant a dispensation on such terms as it thinks fit, providing that the terms are appropriate in their nature and effect.
16. At paragraph 56 Lord Neuberger said it was “clear” that a landlord may ask for dispensation in advance for example where works were urgent, or where it only becomes apparent that it was necessary to carry out some works whilst contractors were already on site carrying out other work. In such cases it would be “odd” if the (LVT) could not dispense with the Requirements on terms which required the Landlord, for instance (i) to convene a meeting of the tenants at short notice to explain and discuss the necessary works, or (ii) to comply with stage 1 and/or stage 3, but with (for example 5 days instead of 30 days for the tenant to reply.
17. Lord Neuberger also confirmed that conditions could be imposed as to costs, aside from the Tribunal’s general powers to award costs, (which at that time were limited), drawing a parallel to the Court’s practice to making the payment of costs a condition of relief from forfeiture.
18. The correct approach to prejudice to the tenants is to consider the extent that tenants would “relevantly” suffer if an unconditional dispensation was accorded. The Tribunal needs to construct what might happen if the consultation proceeded as required - for instance whether the works would have cost less, been carried out in a different way or indeed not been carried out at all, if the tenants (after all the payers) had the opportunity to make their points.
19. The Tribunal is satisfied that the works were urgent given the health and safety risks to leaseholders. The works were carried out expeditiously for the benefit of all leaseholders, and they were kept informed and all appeared to be in agreement the works were necessary.
20. No leaseholders objected to the principle of the works, or the application for dispensation.
- 21.
22. In all the circumstances, dispensation from consultation is granted.

This judgement does not address whether the costs are either payable, under the terms of the lease, or reasonable in terms of amount and quality of works,

and any leaseholder who has concerns in any of those respects has a right to apply to the Tribunal pursuant to s27A Landlord and Tenant Act 1985.

**Tribunal Judge John Murray 9th
April 2026**