



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

Case References : **MAN/00BR/LDC/2023/0086**

Property : **Trinity Court, 44 Higher Cambridge Street, Hulme**

Applicant : **Landmark (Bolton) Limited**

Respondents : **All residential long leaseholders of
apartments at the Property**

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

Tribunal Members : **Judge A Davies
Mr A Davis MRICS**

Date of Decision : **30 April 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 the water booster pump set at Trinity Court, 44 Higher Cambridge Street, Hulme in or about September 2025.
2. The Applicant shall send a copy of this decision to each of the Respondents within three working days after it is received from the tribunal.

REASONS

1. The Applicant is the owner of Trinity Court, 44 Higher Cambridge Street, Hulme (“the Property”). The Property comprises 57 apartments the leases

of which are held by the Respondents, as well as a commercial unit on the ground floor.

2. The Respondents are required under the terms of their leases to contribute to costs incurred by the Applicant or its managing agent Premier Estates in maintaining and repairing the Property, including systems for the provision of water and other services.
3. In August 2025 Premier Estates reported that of the three cold water pumps serving the property two had failed and excessive pressure was consequently being put on the third. Replacement of the pump set was urgently required.

The Law

4. 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 consultation procedure is not followed, each leaseholder’s contribution to the cost is limited to £250.
5. 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

6. On 22 August 2025 Premier Estates lodged a section 20ZA application with the tribunal on behalf of the Applicant seeking dispensation from the consultation requirements of the LTA 1985 in view of the urgent need to replace the pumps, which would not allow for the time required to fulfil the consultation procedure.

7. Directions were issued by the tribunal on 22 January 2026. The Applicant was required to send to the tribunal, and to copy to each Respondent, a full statement of its case with supporting documents. The Respondents were notified that if any of them wished to oppose the application, they must send a response to the Applicant and the tribunal within 21 days after receipt of the Applicant's statement of case.
8. No Respondent has written to the tribunal to object to the application.

The decision

9. The Tribunal accepts that the work was urgently required, and that the Applicant had no opportunity to comply with the consultation procedure set out at section 20 of the LTA 1985.
10. The Applicant obtained a quotation from their service maintenance provider and concluded that the cost of the work was in line with previous costs for similar work. There is no evidence that the Respondents or any of them will be prejudiced in the event that the consultation procedure is dispensed with. Should any Respondent wish to query the cost of the work when it is included in his service charge, he may do so pursuant to section 27A of the LTA 1985.
11. Consequently, the Tribunal has made the order sought by the Applicant.

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).