



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

Case Reference : MAN/00BY/LDC/2025/0689

Property : Silkhouse Court 7 Tithebarn Street Liverpool
L2 2AA

Applicant : Silkhouse Court Limited
Representative : Xenia Estates Services Limited

Respondents : The Residential Long Leaseholders of the
Property

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

Tribunal : Tribunal Judge L Brown
Tribunal Member Ms J Gittus.

Date Decision : 17th June 2026
Issued

DECISION

Dispensation for the Works described in paragraph 4 is granted pursuant to section 20ZA of the Landlord and Tenant Act 1985, on condition that the Applicant serves all Respondents with this Decision.

The Application

1. Application dated 3 November 2025 was made by the Applicant, the landlord of the Property, which comprises 15 floors containing 193 residences – the number is described in the Application as approximate.
2. The Respondents are the leaseholders of the residential flats in the Property, as recorded in the Tribunal's directions dated 16 January 2026.

3. The Applicant seeks dispensation pursuant to section 20ZA of the Landlord and Tenant Act 1985 (“the Act”) in respect of consultation requirements in relation to certain qualifying works, within the meaning of the Act.

4. The qualifying works as described in the Application are “*fire safety remedial measures required under Enforcement Notice No. 755, issued by Merseyside Fire and Rescue Authority on 21 February 2025*”. The works are further identified as including

“Basement ventilation system repair or replacement, following identification of a non-functioning fire ventilation system;

Main staircase smoke ventilation installation and/or repair, ensuring compliance with Article 14 of the Regulatory Reform (Fire Safety) Order 2005;

Sprinkler system inspection and maintenance, including replacement of defective pumps and establishment of a maintenance regime in accordance with manufacturer recommendations;

Installation of compliant wayfinding signage, in line with Regulation 8 of the Fire Safety (England) Regulations 2022.”

Completion of the remedial work was required within 26 weeks.

5. The only issue is whether it is reasonable to dispense with the statutory consultation requirements.

Paper Determination

6. The Tribunal’s Directions provided, amongst other things, that the Applicant must within 28 days of the date of the directions, send to the Tribunal, with a copy to each Respondent, a bundle of documents consisting of:

- a. the Tribunal application form;
- b. a copy of the Directions;
- c. a full statement of case explaining why the application had been made;
- d. any correspondence sent to the leaseholders in relation to the works;
- e. detailed reasons for the urgency of the works and the consequences upon the leaseholders of any delay;
- f. any quotes or estimates for the proposed works and relevant reports; and
- g. copies of any other documents the Applicant sought to rely on in evidence.

7. The directions also provided that any leaseholder who opposed the Application must within 21 days of receipt of the documents referred to in paragraph 6 complete and return the reply form attached to the directions and send it to the applicant and Tribunal together with a statement in response to the Application and any documents and witness statements which they sought to rely on in evidence.

8. A letter dated 11 February 2026 was received by the Tribunal from Jobsons Solicitors identifying that it represented 104 leaseholders. A Statement of Case including a statement of truth dated 20 March 2026 from a Solicitor at Jobsons Solicitors was presented in reply on behalf of those Respondents, objecting to the Application. Notwithstanding this legal representation, an objection from one of their

clients, Dr A Kochhar, dated 27 November 2025, was submitted direct to the Tribunal. In addition, objections were received in an email from Waleed Zarei of Flat 3 (11 February 2026) and from Mr Max Gibbs of Flat 2 (undated), who did not appear to be clients of Jobsons Solicitors.

9. The directions provided that the Tribunal considered the matter to be one that could be resolved by way of submission of written evidence and stated that, if any party wished to make oral representations, that party should request a hearing.

10. No such request has been made and the Application has been determined by the Tribunal on the papers submitted by the parties.

11. The directions expressly state that the Application concerns only whether or not it is reasonable to dispense with the consultation requirements and does not concern the issue of whether any service charge costs resulting from any such works are reasonable or payable and that it will be open to the leaseholders to challenge any such costs charged by the Applicant.

The Law

12. Section 20ZA(1) of the Act provides that:

‘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.’

13. The Supreme Court in the case of *Daejan Investments v Benson and others* [2013] UKSC 14 set out certain principles relevant to section 20ZA. Lord Neuberger, having 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, 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’.

Evidence and Findings of Fact

14. The Tribunal is satisfied that the Application was properly brought and is in proper form.

15. The Applicant seeks dispensation from the consultation requirements as the works, which are qualifying works, were required urgently. The Applicant presented an undated Statement of Case and a Reply containing a statement of truth dated 2 April from Mr C Neilson, who described himself as a “Director”, but without identifying the Company of which he was a director. However, the Tribunal accepted

both documents as on behalf of the Applicant because they were presented as such and their content was in line with the matters outlined in the Application for the purposes of matters before the Tribunal.

16. The Tribunal learned from the Applicant that *“Given its height, construction type and mixed residential occupation, the building is classified as a high-rise multi-occupancy residential premises for the purposes of the Regulatory Reform (Fire Safety) Order 2005 and the Fire Safety (England) Regulations 2022.”* Further, *“The building contains shared internal common parts including corridors, stairwells, lift shafts and service risers, together with communal fire safety installations such as smoke ventilation systems, sprinkler systems and wayfinding signage.....The communal nature of the systems means that remedial works required under the Enforcement Notice affect the entire structure and all leaseholders.”*

17. Background information was that the Fire Authority issued a Letter of Fire Safety Matters dated 27 November 2023 requiring action. The Applicant set out -

“Given the range of defects and consulting directly with the Fire Authority and contractors took considerable time, in part due to the limited number of contractors able to undertake this kind of work.

Following this in May 2024 – Fire Door Survey was completed and in June 2024 the Compartmentation Survey was completed, it was considered these of the greatest priority.”

It was represented “At the time the Enforcement Notice was served, the total cost of the works had not been finalised. It was initially uncertain whether the expenditure would exceed the €250 per leaseholder threshold under Section 20.”

18. From the Application: *“The qualifying works concern essential fire safety remedial measures required under Enforcement Notice No. 755, issued by Merseyside Fire and Rescue Authority on 21 February 2025 in respect of Silkhouse Court, 7 Tithebarn Street, Liverpool, L2 2AA. The Notice followed an inspection on 20 February 2025 identifying breaches of Articles 14 and 17 and Regulation 8 of the Fire Safety (England) Regulations 2022.*

Following a fire safety inspection on 20 February 2025, the Fire Authority identified several significant deficiencies which presented unacceptable risks to residents and required completion of remedial action within 26 weeks, expiring approximately 22 August 2025.

.....

The works were planned to be undertaken between March and August 2025, within the compliance period of the Enforcement Notice.”

19. The Applicant confirmed that no full consultation was undertaken with leaseholders before the works began: *“.....a Section 20 consultation was carried out in*

relation to the fire door works and compartmentation but there was no consultation in respect of the Repair or replacement of the basement smoke ventilation system, Installation and or repair of main staircase smoke ventilation, Inspection and remedial works to the sprinkler system, including replacement of defective pumps, Installation of compliant wayfinding signage.” Then, “Following receipt of the Enforcement Notice, the management company sought immediate professional input from a fire safety consultant to define the scope of remedial measures. It also instructed a qualified contractor to provide urgent quotations to prevent breach of statutory deadlines.” The Applicant denied that it had ignored the severity of fire risk as identified in the Letter of Fire Safety Matters.

20. The Tribunal received reports and estimates for work from Cardinus Risk Improvement (a risk management survey - 11 January 2025), Barlows (regarding smoke extraction system – 18 March 2025) and GTM Fire Sprinkler System Service (16 July 2025).

21. The Tribunal considered carefully the representations from the Respondents. It was accepted that Merseyside Fire and Rescue Authority confirmed on 11 March 2026 that the Property was then in full compliance with the Enforcement Notice. The Respondents complained that no remedial fire works were undertaken between 27 November 2023 and 21 February 2025 and that the Applicant (and its agent, Xenia Estates Limited) had disregarded the extent of fire risk. While there had been statutory consultation regarding fire doors and compartmentation, documentation was withheld regarding the Enforcement Notice and quotations, and the Application was made after a Right to Manage request was made. It also was alleged that *“By bypassing consultation, the Applicant has denied the Respondents the opportunity to nominate contractors or verify the ‘remediation’ status of works before liabilities were incurred.”*

22. In the statement of 20 March 2026 the Solicitor for its Respondent clients alleged prejudice to leaseholders, such as to prevent the Tribunal granting the Application - principally:

- i. billing had taken place *“...for which no major works protocol has been carried out...”*;
- ii. demands for payments outside of the normal service charge regime were not permitted under the leases;
- iii. the works were building safety issues, for which cost liability under the Building Safety Act lay elsewhere than with the Respondents.

23. Dr Kochhar stated in his email of 27 November 2025 that no remedial works had been carried out, that the works likely would fall under the Building Safety Act 2022 and be the responsibility of the developer of the Property and that there had been mismanagement and failure *“...to follow due process.”*

24. Waleed Zarei complained about management regarding service charges.

25. Mr Gibbs represented that there had been a lack of transparency by the Applicant, that the scope of works had increased from those in the Application (adding

full replacement of basement ventilation system and signage which would exceed statutory minimum). Demand for payments had been issued prematurely. He set out that the absence of consultation - “...deprives leaseholders of:

- opportunity to comment on the necessity of works
- opportunity to provide alternative contractors
- opportunity to consider cost efficiency
- opportunity to scrutinise scope

Retrospective applications are inherently prejudicial unless landlords provide full transparency, which has not occurred.”

26. The Tribunal found that the Enforcement Notice identified deficiencies under four headings; it specified “Suggested Action” (with reasoning). Therefore, we found that the suggested works required were itemised in that notice as:

Basement Ventilation

The basement fire ventilation system must be inspected by a suitably qualified person and the system repaired or replaced as required.

Corridor and Staircase Ventilation

The smoke ventilation system should be inspected by a competent person and any improvements or repairs carried out.

Sprinkler System

The building’s sprinkler system must be inspected by a suitably qualified person and any faults rectified. A scheme of maintenance should be undertaken in accordance with the manufacturers recommendation and a record kept.

Regulation 8 – Wayfinding Signage

You must ensure that the building contains clear markings of floor identification and identification of domestic premises. Wayfinding signage must be installed on each stairway landing and in lift lobbies indicating the floor level which is visible in low lighting conditions and when illuminated with a torch.

27. The Tribunal found from the evidence of the Applicant and the content of the Enforcement Notice that the works required to comply with the Enforcement Notice were urgent for reasons of fire safety of the Property. We found from the description from the Applicant of the works that they comprised one collective remedial operation and further, that the description of the works within the Application (see paragraph 4) were consistent with the Enforcement Notice.

28. The Tribunal found that were the Applicant to have embarked upon a further round of consultation to that undertaken, it would merely have delayed the urgent works.

29. The Tribunal considered carefully if any of the Respondents were prejudiced if dispensation was granted. We found that the points presented on that issue were largely curable by an application under s27A (see below), including regarding procedural omissions, contractual liability under the leases and whether another party

could or should bear responsibility for the costs. The Tribunal is satisfied that compliance with the Enforcement Notice is in the interests of the Respondents.

30. The Tribunal found no evidence that any of the Respondents would suffer prejudice in the event that the Application for dispensation from the consultation requirements was granted.

Determination

31. In the circumstances set out above, the Tribunal considers it reasonable to dispense with the consultation requirements. Dispensation is granted pursuant to section 20ZA of the Landlord and Tenant Act 1985. To facilitate the efficient and timely issuing of this decision to all parties, the Tribunal considers it appropriate to make it a condition of granting dispensation that the Applicant serves every Respondent with this Decision, as it is not for the Tribunal to undertake such a significant administrative burden.

32. 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 and standard of the works and/or whether any service charge costs are reasonable and payable.

Tribunal Judge L Brown

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 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).