



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

Case Reference : MAN/36UD/LDC/2025/0704

Property : Hay-A-Park, Arkendale House & Coneythorpe House, 1-2 Angel Gardens, Knaresborough HG5 0WB

Applicant : Wallace Estates Limited

Representative : Premier Estates

Respondents : The Residential Long Leaseholders (see Annex)

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

Tribunal : Tribunal Judge L Brown
Tribunal Member J Gittus

Date of Decision : 25th June 2026

DECISION

Dispensation for the Works described in paragraph 4 is granted pursuant to section 20ZA of the Landlord and Tenant Act 1985.

The Application

1. Application dated 9 December 2025 was made by the Applicant, as freeholder and landlord, of the Property which comprises 12 units in two 3 storey blocks.
2. The Respondents are the leaseholders of the residential flats in the Property, who were identified to the Tribunal by the Applicant with the Application.

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 comprise remedial work to doors in the Property so as to make them fire-rated and to ensure compliance with the Regulatory Reform (Fire Safety) Order 2005 and the Fire Safety Act 2021.

5. The works were completed as an emergency. The reason for urgency for the works is because the doors did not meet adequate fire safety standards.

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

Paper Determination

7. Directions were made on 22 January 2026.

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

9. The directions also provided that any leaseholder who opposed the Application should within 21 days of receipt of the documents referred to in paragraph 7 above send a Response to the Application and send it to the Applicant and Tribunal together with any documents which they sought to rely on in evidence.

10. The Applicant provided the documents that they proposed to rely upon in support of their application to the Respondents on 23 January 2026. No responses from leaseholders were provided and no objections to the Application were submitted to the Tribunal by any Respondent, none of whom have taken any part in the proceedings.

11. 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.

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

13. 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

14. 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.’

15. 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’.

Findings of Fact

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

17. The Applicant seeks dispensation from the consultation requirements as the works, which are qualifying works, were required urgently as the safety and security of the Property and residents was at risk.

18. A statement dated 23 January 2026, containing a statement of truth, was provided on behalf of the Applicant from Ms L Sturtivant, Estates Manager of the Applicant’s managing agent, within a bundle for the Tribunal of 36 pages. It was explained “*Following a fire door survey, 4 X Fire doors were noted as requiring works, upon instruction to complete these works the contactor attending then identified an additional 16 doors that were not accessed previously that needed attention. Due to the extent of the work required and almost 100% of the doors failed we instructed whilst the contractor was on site to repair them all as a matter of urgency for safety concerns, Section 20 was not followed as originally it was only 4 x doors and this was below the threshold required.*”

19. Although the statement then refers to the dispensation claim being for “....*lift works*....” we found this to be an error and the Tribunal was satisfied that the works which are the subject of the Application are as set out in paragraph 4.

20. The Tribunal received a copy of a Fire Inspection Report dated 12 July 2024 and a quotation for the works from Urmson Fire Specialists Limited.

21. There is no evidence that any objection to the Application was submitted.

22. The Tribunal is satisfied that making secure and fire-safety compliant the doors of the Property as identified is in the interests of the Respondents.

23. In the absence of any submissions from any Respondent objecting to the works or to the Application or contending that granting the Application would result in prejudice, the Tribunal finds no evidence that the Respondents would suffer prejudice in the event that the Application for dispensation from the consultation requirements was granted.

Determination

24. 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.

25. 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 work 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).