



FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference : MAN/00BN/LDC/2026/0025

Property : 117 119 127 - 133 (odd) Liverpool Road 2 - 36
(even) Potato Wharf, 1 - 25 (odd) Woollam
Place M3 4JJ

Applicants : The Riverside Group Limited

Representative : Trowers and Hamlins LLP

Respondents : Various Long Residential Leaseholders

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

Tribunal Members : Judge J Stringer
Mr J Elliott, MRICS, Valuer Member
Mrs H Clayton, Lay Member

Date of Decision : 26th June 2026

DECISION

1. The requirement to consult with the respondents in accordance with section 20 of the Landlord and Tenant Act 1985 is dispensed with, pursuant to section 20ZA Landlord and Tenant Act 1985, in respect of in respect of qualifying works relating to the installation of doors and replacement of a door entry system at the property (specifically, those works referred to in the Notices of Intention dated 5th August 2022 and 11th March 2025, identified in the Applicant's Statement of Case in these proceedings).

REASONS

Preliminary Matters

1. This application is made for dispensation from the consultation requirements imposed by Section 20 of the Landlord and Tenant Act 1985 ('the Act').
2. The only issue for the Tribunal to consider is whether or not it is reasonable to dispense with the consultation requirements.
3. The Applicant in the application notice agreed to the appeal being considered on the papers without an oral hearing. There has been no response to the application from the Respondents. Having reviewed the written evidence and noted the Applicant's consent, and the absence of any objection from the Respondents, the Tribunal concluded pursuant to Rule 31 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 that it is able to decide the matter without a hearing.
4. In accordance with the *'Practice Direction from the Senior President of Tribunals: Reasons for decisions'*, this decision refers only to the main issues and evidence in dispute, and how those issues essential to the Tribunal's conclusions have been resolved.

Background to the application

5. The Applicant is the freeholder of the Property and has applied pursuant to section 20ZA of the Landlord and Tenant Act 1985 (LTA 1985), and by way of an application notice dated 3rd March 2026, for dispensation of consultation requirements provided for by section 20 LTA 1985. The application is in respect of works relating to the installation of doors and replacement of a door entry system at the property.
6. The Property is described in the application as comprising an estate of 11 blocks, comprising 66 flats, all let on long (residential) leases.

7. The Respondents to the application are the long leaseholders of the Property, and are liable for service charges pursuant to the long leases. Details of the long leaseholders are set out in a Schedule submitted with the application.
8. A sample lease has been submitted (the lease for 129c Liverpool Road, otherwise known as Flat 21 Woollam Place) that sets out the parties' respective obligations in respect of repairs and service charge liabilities (particularised in the Applicant's Statement of Case).
9. The Applicant's Statement of Case contains a detailed account of two section 20 LTA 1985 consultation processes. That information is not repeated in this decision unless referred to in the Relevant Evidence and Findings section, below, due to being an issue in dispute. The Statement of Case should be read alongside this decision for full context.
10. The Applicants submits that it has required with the consultation requirement. However, this application is made on what is understood by the Tribunal to be a precautionary basis, due to concerns on the part of the Applicant that the consultation process might be considered, and found, to be defective, specifically, in relation to the first consultation, by reason of delay in commencing works following the consultation, and, in respect of the second consultation, because the second consultation was commenced after the contract had been awarded and a payment had been made to the contractors, Integrated Digital CCTV Systems Ltd t/a The CCTV Company (CCTV)
11. The Applicant seeks dispensation on the following basis – *"The Applicant submits that any failure to consult arises with the leaseholders was not intentional nor was it seeking to avoid its obligations under section 20 of the 1985 Act. The Applicant submits that the Respondents have not suffered any prejudice as a consequence of its failure to consult...The contractor selected was both a nominated person and also provided the lowest estimate by a considerable margin; precisely the type of contractor encouraged to be selected by the 2003 Regulations. This is not a situation where the Respondents have not been kept apprised of the proposed works or costs, nor*

involved in the process; the Applicant has engaged with the Respondents. Following discussions with the Respondents and taking further professional advice as suggested, this resulted in a change to the proposed scheme of works (ultimately reducing the costs, at a benefit to the Respondents); there has been engagement with residents throughout, beyond the consultation notices, including update letters, the provision of a Q&A, and meetings with residents. By virtue of the tendering exercises, the market was widely tested, and the contractor ultimately selected, based upon the selection criteria, which was who provided the best estimate in terms of price, quality and assurance. There is nothing to suggest that the Respondents will be required to pay more than they should for the Works. Indeed, the opposite is true, in that the Respondents have the benefit of the original contract price, thereby avoiding any increases associated with inflation. This is not a case in which the Applicant is seeking to avoid its responsibilities in relation to the Respondents; far from it, they are seeking to ensure that the Development is kept in repair, with leaseholders protected and best value in terms of quality, assurance and pricing obtained. The Applicant submits that the Respondents have suffered no relevant prejudice, as envisaged in Daejan, such that dispensation ought to be granted.”.

Issues

12. The following issues were identified for determination by the Tribunal:
 - a. Should the Tribunal permit the statutory consultation requirements under section 20 LTA 1985 in relation to works to be dispensed with in accordance with section 20ZA LTA 1985?

The Law

13. Extracts from sections 20 and 20ZA of the Act are reproduced in Schedule 1, below. Section 20ZA subsection (1) provides that the tribunal may make a determination to dispense with consultation requirements “*if satisfied that it is reasonable to dispense with the requirements*”.
14. The Tribunal has had regard to the guidance on dispensation given by the Supreme Court in *Daejan Investments Limited v Benson and Others* [2013] UKSC 14 (*‘Daejan’*), in particular, that in deciding pursuant to section 20ZA

whether it is reasonable to dispense with consultation requirements, a Tribunal should consider whether any relevant prejudice would be suffered by the leaseholders.

15. The Tribunal note that whilst the legal burden of proof rests throughout on the landlord, the factual burden of identifying some relevant prejudice that they would or might have suffered rested on the tenants, and that a Tribunal is permitted, subject to evidence, to grant dispensation on terms, including compensating leaseholders for any prejudice suffered by requiring a landlord to reduce the amount claimed as service charge, and including an order for costs.

Evidence

16. The material/evidence submitted by the Applicant is:
 - a. The application for dispensation dated 3rd March 2026;
 - b. Statement of Case – Trowers and Hamlins, dated 27th February 2026, with attached Annexes A-H;
 - c. Schedule of Respondent leaseholders and properties.
17. The Tribunal has carefully considered all the available written evidence.

Relevant Evidence and the Tribunal's Conclusions on the Issues

18. None of the Respondents has submitted a response to the application, there is no evidence to indicate that any Respondent objects to the application, nor is there any evidence before the Tribunal that indicates that any Respondent consider themselves to be prejudiced in any way by the absence of a section 20 consultation exercise.
19. The Applicant's evidence is set out above.
20. On the basis of the evidence submitted, and in the absence of any response from the Respondents objecting to the application, and in the light of the evidence as to the consultation processes undertaken, the Tribunal is satisfied that there is no relevant prejudice to any of the Respondents as a consequence of the Tribunal granting dispensation.

21. The Respondents have made no representation as to any condition the Tribunal might impose in granting dispensation, and there is no evidence of any cost being incurred by the Respondents that should appropriately be met by the Applicant (the Applicant confirms in its Statement of Case that the costs of the application will not be passed on to the Respondents, “via service charge or otherwise”).
22. In these circumstances, the Tribunal considers it reasonable to dispense with consultation requirements unconditionally.
23. Accordingly, the tribunal makes a determination, under section 20ZA of the Act, to dispense with the requirement to consult with the Respondents under section 20 in relation to the works, as detailed in the application.
24. The Tribunal makes no findings, and expresses no view, as to whether any costs associated with the works for which dispensation has been granted are reasonable in amount, whether the works were necessary or of a reasonable standard, or whether the costs intended to be recovered by way of service charge are contractually payable under the tenancy agreements or are within the meaning of ‘relevant costs reasonably incurred’ in sections 19 and 27A of the Act. No such applications are currently before this Tribunal and the Tribunal’s decision does not include or imply any determination of such matters.

J Stringer
Tribunal Judge

26th June 2026

Schedule 1

Extracts from legislation

Landlord and Tenant Act 1985

Section 20

(Subsections (1) and (2):)

(1) Where this section applies to any qualifying works or qualifying long term agreement, the relevant contributions of tenants are limited in accordance with subsection (6) or (7) (or both) unless the consultation requirements have been either -

- (a) complied with in relation to the works or agreement, or
- (b) dispensed with in relation to the works or agreement by (or on appeal from) a tribunal.

(2) In this section 'relevant contribution', in relation to a tenant and any works or agreement, is the amount which he may be required under the terms of his lease to contribute (by the payment of service charges) to relevant costs incurred on carrying out the works under the agreement.

Section 20ZA

(Subsection (1))

(1) 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.