



FIRST - TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference : MAN/OOBN/LDC/2026/0011

Property : Worsley Mill, 10 Blantyre Street,
Manchester, M15 4LG

Applicant : Worsley Mill (Manchester)
RTM Company Ltd

Applicant's : Stevenson Whyte
representative

Respondents : The Residential Long Leaseholders

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

Tribunal Members : Judge S Wickham
Mr A Davis (Valuer Member)

Date : 11 June 2026

DECISION

1. The Tribunal grants dispensation from the consultation requirements of section 20 of the Landlord and Tenant Act 1985 under section 20ZA of that Act in respect of the qualifying works to the roof at the Property.

2. The grant of dispensation at 1 above is conditional upon the Applicant serving a copy of this decision upon each of the Respondents.

REASONS

The Application

1. In their application dated 30 December 2025, the Applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 ("the Act") for dispensation from consultation in respect of works to the roof at the Property.
2. The Service Charge (Consultation Requirements) Regulations 2003 provide that consultation requirements are triggered if the landlord plans to carry out qualifying works which would result in the contribution of any leaseholder exceeding £250. If the consultation procedure is not followed, each leaseholder's contribution to the cost is limited to £250. The cost of the works of the subject application exceeds this threshold.
3. By directions dated 8 April 2026 ("the Directions"), the Tribunal directed the Applicant to provide a bundle of documents to the Tribunal consisting of (amongst other documents) i) a copy of the application form ii) a full statement of case explaining why the application has been made; iii) any correspondence sent to the leaseholders in relation to the works; iv) detailed reasons for any urgency of the Works and the consequences upon lessees of any delay; v) any quotes or estimates for the proposed works and relevant reports (including full details of attempts made by the Applicant to obtain quotes or estimates); and vi) copies of any other documents the Applicant seeks to reply on. The Tribunal also directed the Applicant to send each of the Respondents a copy of the Tribunal bundle. The Applicant provided to the Tribunal a certificate of service dated 27 April 2026 confirming a copy of the Tribunal bundle had been served on the Respondents by e-mail.
4. The Directions required any Respondent who opposed the application, to send to the Applicant and the Tribunal, any statement they wish to make in response to the Applicant's case. The Tribunal has received no such statements or replies from the Respondents.
5. The Directions provided that the Tribunal would decide the matter on the basis of written submissions and without an inspection of the Property unless any party requested a hearing and/or an inspection. No such request has been made.

The Applicant's case

6. The Property is a building comprising eighty-three apartments and one commercial unit. The building is a partly converted former mill and is partially new build. The Applicant is a right to manage company formed by the Respondents. The application is made on behalf of the Applicant by the Applicant's representative.
7. The Respondent's leases are on similar terms, and one sample has been provided to the Tribunal. The lease requires the "Management Company to perform the obligations set out in the Sixth and Seventh Schedules". The Sixth Schedule contains the ... "covenants for works and services" which includes an obligation to repair the roof at the Property.
8. In its application, the Applicant stated that the roof at the Property required urgent repair to prevent water ingress into several apartments. The Applicant described the works, which included the replacement of the box guttering systems, repairs to the eaves, lead flashing and valley linings, repointing of masonry and coping stones, and the rebedding of ridge and hip tiles. The Applicant stated that these works commenced on 21 October 2025 and were due to be completed by May 2026. The Applicant referred to evidence which it said demonstrated that several apartments were experiencing significant and persistent water penetration; however, the Tribunal notes that the Applicant did not include this evidence in its bundle. The Applicant contends that the roof works were urgent due to the severity of the damage caused by the water ingress and that any delay would have resulted in escalated damage and the Property with resultant increased costs. The Applicant instructed Scorpion Maintenance Limited to carry out the works and provided the Tribunal with an invoice dated 13 January 2026 in the sum of £75,150 plus VAT. The Applicant did not provide any evidence of alternative quotes for the works. The Applicant also provided extracts of formal correspondence to the Respondents regarding the works and their urgency; however, the Tribunal cannot determine when or by what means the Applicant sent this correspondence.

The Respondent's case

9. No Respondents objected to the application.

Determination and Reasons

10. Section 20ZA of the Act provides:

"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."

11. The whole purpose of section 20ZA is to permit a landlord to dispense with the consultation requirements of section 20 of the Act if the Tribunal is satisfied that it is reasonable for them to be dispensed with.
12. The Tribunal has taken account of the Supreme Court decision in *Daejan Investments Limited v Benson and others* [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 (paragraph 65 of his judgment) as a disadvantage “*which they would not have suffered if the requirements had been fully complied with, but which they will suffer if 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).
13. The Tribunal finds that no evidence before it demonstrates that the Respondents suffered prejudice as a result of the Applicant’s failure to comply with the consultation requirements in relation to the roof works. In particular, the Tribunal takes into account the Applicant’s reasons for making the application, as set out at paragraph 8 above. Although the Tribunal has not seen evidence demonstrating that several apartments experienced significant water penetration, and considers that the Applicant could have provided more comprehensive evidence in its bundle, the Tribunal accepts, in the absence of any evidence or objections from the Respondents, that the works were urgent in nature.
14. The Tribunal is therefore satisfied that it is reasonable to grant dispensation from all or any of the consultation requirements set out in section 20 of the Act in respect of the works to the roof at the Property. The Tribunal grants dispensation on the condition that the Applicant serves this decision on each of the Respondents.
15. This decision does not affect the Tribunal’s jurisdiction upon any future application to make a determination under section 27A of the Act in respect of the reasonableness and/or the cost of the works.

Name: Judge S Wickham

Date: 11 June 2026

ANNEX – RIGHTS OF APPEAL

1. 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.

2. 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.

3. 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 being within the time limit.

4. 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.