



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

Case Reference : **MAN/00BN/LDC/2025/0665**

Property : **Beetham Tower, 301 Deansgate,
Manchester, M3 4LQ**

Applicant : **Deansgate Freehold Limited**

Representative : **Rendall and Rittner Limited**

Respondents : **The Residential Long Leaseholders**

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

Tribunal Members : **Ms M Steer (Judge)**
Mr N Foster (Valuer Member)

Date : **27 May 2026**

DECISION

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 to qualifying major works relating to the replacement pipework at the Property.

2. The decision at 1 is conditional upon the Applicant serving a copy of this decision on each Respondent within 28 days of receipt. Uploading a copy of this Decision to the managing agent's portal 'My Space' does not constitute service of this Decision.

The Application

3. In their application dated 03 September 2025, the Applicant (represented by their managing agents Rendall and Rittner Limited) seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 ("the **Act**") for dispensation from consultation in respect of major works relating to extensive replacement water piping at the Property. The Property is a 47-storey mixed use skyscraper in Manchester comprising of 219 residential flats and a 260-room hotel operated by Hilton Hotel.

4. The Applicant confirms that there was a major water leak on Floor 26 of the Property which occurred due to the use of plastic piping which was not of the correct specification and incorrectly fitted by the original contractor. Urgent works were required to replace the plastic pipework following the incident and to replace the pipework on other floors of the Property to avoid further water leaks. The scope of the works required is as follows:

'The replacement of the domestic hot, domestic hot return, heating flow and return, and cold water mains pipework on floors 26-35 with copper pipes. As part of this installation, new press-fit isolation valves will be fitted as required to allow for ease of maintenance and section isolation where necessary. Additionally, a shock arrester valve will be installed on both the domestic hot water supply and cold water supply pipework to mitigate pressure surges within the system, protecting pipework and fittings from potential damage caused by sudden changes in water flow'.

5. The Applicant states that the pipe replacement works are urgent and necessary given the potential impact on providing heating and hot water to the occupiers of the Property. Further, the Applicant states that time is of the essence in undertaking the works given the potential health and safety risks to both occupiers and the public should other hot water pipes burst.
6. 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 paying more than £250. The cost of the pipe replacement works of the subject application exceeds this threshold.

7. By directions dated 24 February 2026 (“the **Directions**”), the Tribunal directed the Applicant to provide a bundle of documents to the Tribunal consisting of (amongst other documents) i) a full statement of case explaining why the application has been made; ii) any correspondence sent to the leaseholder in relation to the works; iii) detailed reasons for any urgency of the works and the consequences upon the lessee of any delay; and iv) 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). The Tribunal also directed the Applicant to send to the Respondents a copy of the Tribunal bundle.
8. The Directions required the Respondents to send to the Applicant and the Tribunal any statement they wish to make in response to the Applicant’s case. The Tribunal has not received a statement or any communications from the Respondents.
9. 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

10. The Applicant is the freehold owner of the Property who covenants with the Respondents to repair, maintain, renew and replace the service installations at the Property subject to the payment of the service charges by the Respondents under the terms of the leases under which the Property is held.
11. In its application and statement of case, the Applicant explained the incident with a burst water pipe on Floor 26 of the Property and the recommended scope of works required in order to prevent further incidents which are detailed at paragraphs 3-5 above.
12. The Applicant obtained the following quotes for the works:-
 - A. Atmostherm Quotation: £367,538 +VAT
 - B. Logic Quotation: £412,985 +VAT
 - C. Domestic & Commercial Plumbing & Heating: £440,000 +VAT
13. The Applicant confirms that a Mechanical and Electrical Consultant (Andrew Wilkes) and the Beetham Tower Residential Association recommended that the Atmostherm quotation should be accepted and they were subsequently instructed to carry out the urgent replacement piping works. This decision was made based upon Atmostherm’s extensive knowledge of the building (being the currently appointed engineers who provide servicing and maintenance to the Property), successful completion of other major projects over the years, and their consistently reliable and valued service. The Applicant also confirms that they obtained an opinion from Andrew Wilkes (M&E Consultant) that

the price provided by Atmostherm is a fair price considering the specification for the works (as detailed at paragraph 4 above).

14. The Applicant confirms that the Respondents have been informed of the requirement to undertake the pipe replacement works and the costs associated with the works via their managing agent's portal which is accessible to the Respondents. The Applicant confirms that the Respondents require the works to be completed as soon as possible to prevent water pressure issues and heating issues at the Property. On 31 March 2026, the Applicant's managing agent confirmed that the following documents had been issued to the Respondents i) the service charge budget for the period 01 January 2025 to 31 December 2025 which details under the heading 'Reserves and Major Works' the application for dispensation in relation to the replacement of the plastic pipework at the Property; ii) the Directions; iii) a letter dated 30 March 2026 detailing the Applicant's statement of case as required by the Directions; and iv) a screenshot of the managing agent's 'My Place' portal evidencing that the Respondents have been informed of the issues at the Property and the requirement to undertake the pipe replacement works.
15. The Applicant states that the pipe replacement works are urgent given the potential disruption to the occupiers' heating and hot water supply if the works are not undertaken. Further, that Applicant states that there is a serious health and safety requirement to carry out the works to prevent hot water pipes bursting in the future. The Applicant confirms that they believe that Atmostherm are the best engineering company to undertake the works given their knowledge and expertise of the building and the speed in which they were able to act.

The Respondent's case

16. The Respondents have not objected to the application.

Determination and Reasons

17. 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."

18. 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.

19. The Tribunal has taken account of the Supreme Court decision in *Daejan Investments Limited v Benson and others* [2013] UKSC 14 and the important question of prejudice when assessing the reasonableness of making such a determination. There is no evidence before the Tribunal that the Respondents were prejudiced by the failure of the Applicant to comply with the consultation requirements in relation to the pipe replacement works at the Property. The Tribunal notes that i) the Applicant confirms that Beetham Tower Residential Association have been involved in the decision making process regarding the works and the appointment of Atmostherm; ii) the Tribunal is not aware of any responses received from the Respondents following the information sent to them by the Applicant on 31 March 2026 (as detailed at paragraph 14 above); and iii) the works have commenced and the Respondents have raised no objection to this application.
20. The Tribunal is therefore satisfied that it is reasonable to grant dispensation with all or any of the consultation requirements set out in section 20 of the Landlord and Tenant Act 1985 in respect of the pipe replacement works undertaken at the Property. This is ostensibly for the same reasons as set out by the Applicant in its application and as detailed at paragraphs 3-5 and 11-15 above. Namely, that the works were urgent and necessary to ensure the safety and continued habitability of the Property, that the lowest priced contractor has commenced the works who has knowledge of the complex building structure and an M&E Consultant was appointed by the Applicant who has confirmed that the price provided for the works by Atmostherm is a fair price considering the scope of the works.
21. It is unknown to the Tribunal whether the Applicant's managing agents' portal 'My Place' is frequently viewed by the Respondents. Hence, the requirement for this decision to be served on each Respondent (other than via an upload to the 'My Space' portal) as detailed at paragraph 2 of the decision above.
22. 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 work.

Name: Judge Steer

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.