



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

Case Reference	: MAN/00BN/LDC/2025/0705
Property	: Sackville Place Bombay Street Manchester M1 7AT
Applicant	: Sackville Place Management Company Limited
Representative	: HML Property Management Company Limited
Respondents	: The Residential Long Leaseholders (see Annex)
Type of Application	: Landlord & Tenant Act 1985 (the Act) – Section 20ZA
Tribunal	: Tribunal Judge L Brown Tribunal Member W Reynolds
Date of Decision	: 04 June 2026

DECISION

Dispensation for the Works described in paragraph 4 is granted pursuant to section 20ZA of the Landlord and Tenant Act 1985, subject to the condition that the Applicant:

- (i) Provides to the Tribunal within 14 days of issue of this Decision written confirmation of the date on which it complied with direction 3 of the Directions dated 16 February 2026.
- (ii) The Applicant serves every Respondent with this Decision.

The Application

1. Application dated 10 December 2025 was made by the Applicant, as landlord of the Property which comprises 61 flats over 8 floors. The basement area is a communal garage parking area.
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 as identified in the Application is for installation of scaffolding, to fix two leaking windows.
5. The works were completed as an emergency. The scaffolding was due to be erected on the 5 January 2026, for works to commence immediately to minimise the damage to the Property.
6. The only issue is whether it is reasonable to dispense with the statutory consultation requirements.

Paper Determination

7. Directions were made on 16 February 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. 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.
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 8 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 failed to provide a statement of case. It failed to inform the Tribunal of its status – while a copy of a sample lease of a flat in the Property was

supplied, it did not show that the Applicant has any standing regarding the Property. The Applicant omitted to confirm to the Tribunal it had provided the documents that it proposed to rely upon in support of the Application had been provided to the Respondents, as directed.

11. The Tribunal was prepared to be pragmatic and as section 20ZA does not limit who may apply for dispensation, we were content to proceed on the basis that the Applicant, apparently the landlord and management company of the Property, was a proper person to make the Application.

12. Further, we were satisfied that the information in the Application was sufficient to describe the works involved and gave reasons for the Application, without further detail being needed.

13. However, the Tribunal's decision – see later – has to be conditional, in light of the failure to confirm that the Applicant has complied with the Directions of the Tribunal.

14. 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.

15. 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.

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

17. 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

18. 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.’

19. 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

20. For the reasons set out above, the Tribunal is satisfied that the Application was properly brought and is in proper form.

21. The Applicant seeks dispensation from the consultation requirements as the works, which are qualifying works, were required urgently so that remedial work to leaking windows could be carried out without delay. We learned that the Applicant had begun a statutory consultation process under section 20 of the Act – Notice of Intention to carry out works is dated 19 November 2025. However, the uncontradicted position for the Applicant was that *“The reason we are seeking dispensation is Section 20 first notice has been served, however this will run for longer due to the holiday period. The scaffolding is due to be erected [sic] on the 5th January [sic] and for works to commence immediately to minimise the damage to the properties.”* .

22. The Tribunal was persuaded from the above information that works to deal with leaking windows was urgent to limit damage to the Property. It was apparent that the entirety of the project included the actual repairs, but the Application was limited to the scaffolding element.

23. The Tribunal received copy quotations relating to the repair undertaking, including the scaffolding that is the subject of the Application.

24. No evidence has been provided to the Tribunal that any objection to the Application was submitted.

25. The Tribunal is satisfied that making secure the leaking windows of the Property as identified is in the interests of the Respondents and that scaffolding is integral to that undertaking.

26. 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

27. 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 on condition that:

- (i) The Applicant provides to the Tribunal within 14 days of issue of this Decision written confirmation of the date on which it complied with direction 3 of the Directions dated 16 February 2026.
- (ii) The Applicant serves every Respondent with this Decision.

We determined that the first condition is necessary because of the absence of a Statement of Case from the Applicant, or other evidence that the Applicant has taken the steps as directed by the Tribunal.

The second condition is because it is not for the Tribunal to undertake such a significant administrative burden.

28. 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).