



FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference : **MAN/16UC/LDC/2025/0681**

Property : **16a-16h Egerton Court, Barrow-In-Furness
LA14 2TX**

Applicant : **Rockwell (FC101) Limited**

Respondents : **Various Residential Long Leaseholders**

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

Tribunal : **Tribunal Chair N Swain, MRICS
Tribunal Member J Jacobs MRICS**

Date of Decision : **09 March 2026**

DECISION

1. Pursuant to section 20ZA of the Landlord and Tenant Act 1985 the Tribunal makes a determination to dispense with the requirement to consult with the Respondents on the works to 16a-16h Egerton Court, Barrow-In-Furness LA14 2TX as described in Schedule 1.

REASONS

The Application

2. The application ('the Application') was made on 16 October 2025 by Rockwell (FC101) Limited ('the Applicant'). It seeks dispensation under section 20ZA of the Landlord and Tenant Act 1985 ('the Act') in relation to the statutory consultation requirements prescribed by section 20.
3. Dispensation is sought for fire safety improvement works to the Property due to issues raised as a result of a fire door survey and a fire incident that occurred subsequent to the survey ('the Works').
4. The Works were carried out to 16a-16h Egerton Court, Barrow-In-Furness LA14 2TX ('the Property'), comprising 8 self-contained residential apartments arranged over four storeys in a terraced row of similar blocks. The Applicant is the freeholder for the Property and the Respondents are the leaseholders of the 8 residential apartments. A sample lease evidences a current lease term of 125 years commencing on 01 January 2012.
5. The Applicant's statement of case avers that:

On 16 January 2025, the quarterly communal fire-door survey identified compliance issues affecting parts of the building's fire-resisting structure, prompting further inspection and potential remedial action.

The remedial works were undertaken and completed on 24 June 2025, with PMC's Site Attendance Report No. 5837 confirming installation of fire batts and fire-rated sealant to adequately seal the under stair void. No leaseholder objections or complaints were received following completion.

Across appropriateness, cost, and procedural impact, the evidence demonstrates that leaseholders have not paid for inappropriate works, nor paid more than appropriate, and were not deprived of any procedural opportunity that would have made a real difference to scope or price. Daejan permits dispensation where consultation failures cause no real prejudice; that is the present case.
6. The Application seeks dispensation for the works detailed in Schedule 1.
7. Directions in the present case were issued on 04 December 2025. The Applicant submitted a bundle of papers including a statement of case and supporting documents. None of the Respondents submitted a statement to the tribunal opposing the Application and the Applicant has confirmed that none of the Respondents has submitted any objections to the Application directly to itself.
8. The Applicant indicated that it would be content with a determination on the papers. The Tribunal considered this to be appropriate because none of the Respondents opposed the Application, neither party had requested a hearing and because there was sufficient information before the Tribunal to reach a decision. It was unnecessary to conduct an inspection of the Property in view of the matters in issue.

The Law

9. Extracts from sections 20 and 20ZA of the Act are reproduced in Schedule 2. 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'.
10. The Tribunal considers the Supreme Court case of *Daejan Investments Limited v Benson and Others* [2013] UKSC 14 ('*Daejan*') to be the leading case on dispensation. In *Daejan* Lord Neuberger stated 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. Lord Neuberger stated 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. Lord Neuberger went on to hold that a tribunal is permitted 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.

Findings of fact and Reasons for decision

11. None of the Respondents have submitted a statement of case opposing the Application. There is no evidence before the Tribunal that any of the Respondents consider themselves to be prejudiced in any way by the absence of a section 20 consultation exercise.
12. The Applicant engaged with the Respondents on its proposals to undertake the Works, though not through formal consultation, and there were no objections.
13. The Tribunal finds that there is no relevant prejudice identified by any Respondent, suffered as a consequence of the Applicant proceeding with the Works without first carrying out the section 20 consultation.
14. 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.
15. In these circumstances, the Tribunal considers it reasonable to dispense with consultation requirements unconditionally. 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.
16. The Tribunal expresses no view as to whether any costs associated with the Works are reasonable in amount, whether the Works are of a reasonable standard or whether the element intended to be recovered by way of service charge is payable, within the meaning of sections 19 and 27A of the Act. The Tribunal's decision does not include or imply any determination of such matters.

Schedule 1

‘the Works’

1. Fire-stopping and sealing of an under stair void in the common parts.