



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

|                               |          |                                                                                                                                                      |
|-------------------------------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Case reference</b>         | <b>:</b> | <b>MAN/00DA/LDC/2025/0616</b>                                                                                                                        |
| <b>Property</b>               | <b>:</b> | <b>Candle House, 1 Wharf Approach,<br/>Holbeck, Leeds, LS1 4GH</b>                                                                                   |
| <b>Applicant</b>              | <b>:</b> | <b>Granary Wharf (Candle House)<br/>Management Limited</b>                                                                                           |
| <b>Representative</b>         | <b>:</b> | <b>Watson Property Management</b>                                                                                                                    |
| <b>Respondents</b>            | <b>:</b> | <b>Various Residential Long Leaseholders</b>                                                                                                         |
| <b>Representative</b>         | <b>:</b> |                                                                                                                                                      |
| <b>Type of application</b>    | <b>:</b> | <b>Dispensation with Consultation<br/>Requirements under section 20ZA<br/>Landlord and Tenant Act 1985.</b>                                          |
| <b>Tribunal<br/>member(s)</b> | <b>:</b> | <b>Judge J White<br/>Mr J Elliott (valuer member)</b>                                                                                                |
| <b>Venue</b>                  | <b>:</b> | <b>Paper (P)<br/>Northern Residential Property First-tier<br/>Tribunal, 1 floor, Piccadilly Exchange, 2<br/>Piccadilly Plaza, Manchester, M1 4AH</b> |
| <b>Date of decision</b>       | <b>:</b> | <b>10 June 2026</b>                                                                                                                                  |

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**DECISION**

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**The Decision**

- (i) The Tribunal grants this application to dispense with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 without condition in respect of wet riser works undertaken by Wheatley Facility Management.
- (ii) **In granting dispensation, the Tribunal makes no determination as to whether any service charge costs are**

**reasonable or payable, nor whether any Leaseholder is protected by the Building Safety Act 2022.**

**The Application**

1. The Applicant is Granary Wharf (Candle House) Management Limited for Candle House, 1 Wharf Approach, Holbeck, Leeds, LS1 4GH ("the Property").
2. On 3 April 2025, the Applicant applied for dispensation under Section 20ZA of the Landlord and Tenant Act 1985 (the Act) from the consultation requirements imposed on the landlord by Section 20 of the 1985 Act.
3. The application relates to fire safety works.
4. On 16 December 2025, the Tribunal issued Directions. In accordance with those directions, on 19 January 2026, the Applicant submitted a bundle of documents to the Tribunal and each leaseholder. One leaseholder responded by email.
5. The Directions also stated that the Tribunal did not consider an inspection would be needed and it would be appropriate for the matter to be determined by way of a paper determination. Neither party had objected. The Tribunal convened on 10 June 2026 without the parties to determine the application on the papers. It considered whether an adjournment was required with directions for the parties as set out below. It decided that there was enough evidence to determine the application without the need for further written evidence, an inspection or oral hearing. It was in the interests of justice to do so and in accordance with the Overriding Objective.
6. The qualifying works relate to the wet risers serving Candle House. The Applicant describes the works as the installation of a new control panel system and the removal and replacement of essential control systems to ensure compliance with current safety regulations and operational efficiency. The stated scope includes isolating and removing the existing main control panel, installing a new automatic changeover panel, installing two new 75kW soft start control panels, installing new sensors to integrate with and control the new panels, and removing newly added dry riser inlet points on completion.
7. The Applicant's statement gives the total cost as £71,633 plus VAT, funded from the reserve fund, with a staggered payment arrangement agreed with Wheatley Facility Management ("Wheatley").
8. The Applicant relies on urgency. A fire occurred on 11 March 2025 affecting a single apartment. The Applicant says the fire did not impede the fire brigade's response but highlighted the urgency of upgrading the

wet riser control panel system, mandatory electrical separation requirements, and the need to ensure continued functionality of the wet risers for fire-fighting purposes.

9. The Applicant accepts that no first stage notice had been issued and that section 20 consultation had not commenced before the works were instructed. It says consultation would have caused significant delay and potentially compromised safety. It also says that attempts were made to obtain multiple quotations but only Wheatley provided a quotation and could undertake the works immediately.

### **The Response**

10. One Leaseholder David Overstreet of 75 Candle House, sent an objection by email dated 1 May 2025.
11. A number of the points raised by Mr Overstreet concern dissatisfaction with events leading up to these particular works. These include prior consultations, previous tribunal proceedings, alleged failures to provide service charge documents, and lack of confidence in Watson Property Management.
12. David Overstreet also raises matters relating to potential prejudice relating to works to the wet riser after the fire.
  - (i) He contends that Wheatley may not be a specialist in wet riser systems.
  - (ii) He is aware of specialist companies which have quoted almost half of the Wheatley quote.
  - (iii) He objects to a no-bid contract. A consultation, including the commercial tenant and residents with relevant professional skills would have meant that other firms could be approached.
  - (iv) That the Applicant was aware of the issue 10 months before the fire and could have started consultation then.

### **The Law**

13. The relevant section of the Act reads as follows:

20ZA Consultation requirements:

- (1) Where an application is made to a Leasehold Valuation 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.

14. The consultation procedure applies where there are qualifying works (works where costs to each Leaseholder is over £250). The landlord must send out a notice of intention to do the works and give the tenants at least 30 days to make observations; it must obtain estimates, including from anyone nominated by the tenants; it must give notice to the tenants about the estimates and give them 30 days to make representations; and within 21 days of engaging a contractor it must (unless the contractor gave the lowest estimate or was nominated by a tenant) give the tenants a statement of its reasons for doing so.

### **Findings**

15. The Property has 21 storeys with commercial properties on the ground floor, offices on the mezzanine level and 159 residential apartments and roof terrace above. The works were fire safety related and concerned the wet riser control panel system serving the building. The wet riser is a series of pipes that run through the building, to enable fire services to force water into the building to enable speedy fire control. The work involved removal and replacement of essential control systems from the wet riser system to ensure compliance with current safety regulations.
16. The Applicants were aware of the issues with the wet riser control panels around 10 months prior to a fire that occurred in David Overstreet's apartment on 11 March 2025. Though fire services were able to control the fire to the one apartment, the fire highlighted the urgency and significant fire safety concerns in a high rise building such as this.

### **The Determination**

17. The Consultation requirements provide important safeguards for leaseholders and should not be dispensed with unless the Tribunal is satisfied that it is reasonable to dispense with the requirements as set out in the case of Daejan Investments Ltd v Benson et al [2013] UKSC 14
18. On an application for dispensation the focus of the Tribunal must be on the relevant prejudice if any suffered by the lessees as a direct result of the lessor's failure to consult:  
*"Given that the purpose of the requirements is to ensure that the tenants are protected from (i) paying for inappropriate works or (ii) paying more than would be appropriate, it seems to me that the issue on which the LVT 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.”* Daejan Investments Ltd v Benson [2013] UKSC 14 [44] per Lord Neuberger.

19. *“As the Supreme Court made clear in Daejan, the consultation requirements are not an end in themselves; they can be dispensed with if there is no relevant prejudice to the leaseholders, meaning prejudice that arose because of the lack of consultation rather than any reason.”* Holding & Management (Solitaire) Limited v Leaseholders of Sovereign View [2023] UKUT 174 (LC) [21].
20. It is worth noting that Sovereign View involved fire safety issues, and the tribunal allowed dispensation on the requirements relating to an alarm system and imposed conditions that the landlord pay for the waking watch. This was set aside by the Upper Tribunal. This is because any prejudice must arise *because of* the lack of consultation, and not for any other reasons. Other conduct issues, including delay are not relevant. As a consequence, the general conduct issues raised by Mr Overstreet are not relevant prejudice for the purposes of this application
21. Similarly, the Upper Tribunal also set aside the costs condition. It held that the leaseholders did not suffer any relevant prejudice from the absence of consultation, observing: *“It was clearly sensible and in everyone’s interests to get the fire alarm system installed; in that sense this was not a petition for an indulgence but a matter of practical importance for all concerned.”*
22. The sort of prejudice that has a bearing on dispensation is where the Leaseholders can show that they would have been able to suggest a better or cheaper way of doing the work ( Marshall v Northumberland & Durham Property Trust Limited [2022] UKUT 92 (LC) ). In that case a Leaseholder had expertise such that if he had been consulted, he would have made suggestions which would have resulted in the work being done more cheaply and had provided an alternative quote. As a result, dispensation was granted on condition that the cost to leaseholders was limited to the sum the landlord would have had to spend had the tenant been consulted.
23. Mr Overstreet has raised a number of issues, that indicates he or another Leaseholder may have suggested a specialist alternative. The Tribunal considered if it should adjourn to ask for further information from the Applicant. It decided it would not be proportionate or in the interests of justice to do so. That is because Mr Overstreet’s submissions are speculative, as opposed to specific and it is for him to raise actual prejudice. For example he has not set out why he contends Wheatley are not specialists, nor suggested specific alternatives. It was for the parties to set out their case and if further evidence had been available of cheaper available quotes, David Overstreet would have provided that evidence. Only one leaseholder has objected.

24. Though, the Tribunal doubts that the Applicant would have been unable to obtain other quotations, we accept that only Wheatley had provided a quotation within the short time frame and could undertake the works immediately. They were instructed a day after the fire. It is not unusual for a contractor to charge a higher rate for urgent works. As decided in Sovereign View the earlier delay of around 10 months is not relevant to this application for dispensation. Though the fire service was able to contain the fire on this occasion, it highlighted the urgency of the work, and the extremely high risk of waiting for further quotations and delaying the works any further.
25. The Tribunal accepts that leaseholder consultation might, in some cases, identify an alternative contractor or better value. However, the burden is on the Respondents first to identify a credible case of relevant prejudice. An unsupported assertion that other specialist companies may have quoted almost half the price and that Wheatley may not be specialists does not, on its own, establish relevant prejudice as established in Daejan and subsequent cases set out above.
26. David Overstreet has not asked for any conditions to be imposed.
27. For these reasons the Tribunal grants dispensation from the consultation requirements of S.20 the Act in respect of the application relating to wet riser works. No conditions are imposed.
- 28. In granting dispensation, the Tribunal makes no determination as to whether any service charge costs are reasonable or payable, nor whether any Leaseholder has the protection of the Building Safety Act 2022.**

**Judge J White**  
**07 July 2026**

### ***RIGHTS OF APPEAL***

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.