



FIRST - TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference(s) : MAN/00BU/LDC/2026/0010

Property : Bollington Mill, Brick Kiln Lane, Dunham
Massey, Altrincham WA14 4TJ

Applicant : HML PM Limited

Respondents : Various Long Residential Leaseholders

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

Tribunal Members : Tribunal Judge C Wood
Tribunal Member K Kasambara

Date of Decision : 4 August 2026

DECISION

Order

1. The Tribunal determines that it is satisfied that it is reasonable in the circumstances to grant dispensation to the Applicant from the consultation requirements under s20 of the Landlord and Tenant Act 1985 for the works, more particularly described in paragraph 7(3) and (4) of this Decision.

Background

2. By an application dated 27 January 2026, (“the Application”), the Applicant applied to the Tribunal under Section 20ZA of the Landlord and Tenant Act 1985, (“the 1985 Act”), for dispensation from the consultation requirements of Section 20 of the 1985 Act and the Service Charges (Consultation Requirements)(England) Regulations 2003 (SI 2003/1987), (together “the Consultation Requirements”), in respect of qualifying works to be undertaken at the Property.
3. The Respondents are the individual residential leaseholders of the flats at the Property.
4. Directions were issued to the parties, in response to which the Applicant submitted written representations. No submissions were received from any of the Respondents.
5. The Tribunal considered that it was appropriate, in the circumstances, for the Application to be determined “on the papers” in the absence of a request for a hearing from any of the parties. No request for a hearing of the Application has been received.
6. The determination of the Application was scheduled to take place on 4 August 2026.

Applicant’s Submissions

7. The Applicant’s submissions are summarised as follows:
 - (1) Originally constructed in c 1800, the Property was converted in 1993 into 5 cottages and a block of 8 flats over 5 storeys.
 - (2) The Applicant is the managing agent for the Property. The Landlord is the National Trust.
 - (3) The proposed works are the replacement of the lift motor, (“the Works”).
 - (4) The lift was first reported as not working on 16 December 2025. Engineers visited on 16 and 18 December 2025 which identified the need for the motor to be replaced.
 - (5) Due to the time of year, quotes for the Works were not received until mid-January. The date for completion of the Works was 30 January 2026.
 - (6) The Property has only one lift. There are vulnerable residents at the Property for whom the absence of a working lift presented a significant inconvenience/risk to their health.

- (7) Due to the delays caused by the Christmas holidays, by the time the quotes were received, the lift had been out of order for 4 weeks. To delay the Works to allow a full Section 20 consultation would delay the completion of the Works meaning that the lift would be out of order for at least a further 4/6 weeks.
- (8) Since the fault with the lift occurred on 16 December 2025, the Applicant has kept all of the Respondents up-to-date with developments including, without limitation, the nature of the works required, that the cost of the Work requires a s20C consultation in the absence of dispensation, that the Application was to be made, and seeking objections to the Applicant's proposed actions.
- (9) No objections were received by the Applicant. They proceeded to order the replacement part and notified the Respondents that the Works were due to be completed on 30 January 2026.

Respondents' Submissions

8. As stated in paragraph 4 above, none of the Respondents has made any submissions in response to the Application.

Law

9. Section 20ZA(2) of the 1985 Act defines qualifying works as "works on a building or any other premises".
10. Section 20 of the 1985 Act states:-

"Limitation of service charges: consultation requirements

Where this Section applies to any qualifying works..... the relevant contributions of tenants are limited...unless the consultation requirements have been either:-

 - a. complied with in relation to the works, or
 - b. dispensed with in relation to the works by the First Tier Tribunal
11. Regulation 6 of the Regulations provides that for the purpose of s20(3) of the 1985 Act "the appropriate amount" is an amount which results in the relevant contribution of any tenant being more than £250.
12. Section 20ZA(1) of the 1985 Act states:-

"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 the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements."

Reasons

13. In determining whether it is reasonable to grant an application under s20ZA of the 1985 Act, the Tribunal should consider the following:
 - (1) the rationale for the undertaking of a consultation exercise, namely, to ensure that leaseholders are protected from paying more than would be appropriate; and,
 - (2) whether there is evidence of prejudice to any of the leaseholders as a result of a lack of consultation.
14. The Tribunal notes as follows:
 - (1) The Applicant has provided sufficient information regarding the Works to explain why they considered it was appropriate to proceed with the Works without undertaking a consultation. In particular, the Tribunal notes the Applicant's evidence of the occupation of the Property by some vulnerable residents for whom the absence of a working lift presented a significant risk to their health and well-being.
 - (2) There is no evidence before it of any of the Respondents having responded to the Application and/or having raised any objections to the doing of the Works.
 - (3) There is no evidence of any prejudice to the Respondents by reason of a lack of consultation.

Determination

15. The Tribunal therefore determines that, in accordance with Section 20ZA(1) of the 1985 Act, it is reasonable to dispense with the consultation requirements under s20 of the 1985 Act in respect of the Works.
16. Nothing in the determination in paragraph 15 shall preclude consideration of whether the Applicant may recover by way of service charge from any of the Respondents any or all of their relevant contribution towards the costs of the Works or the costs of this Application should an application be received under Section 27A of the 1985 Act. Dispensation from consultation requirements does not imply that the resulting service charge is reasonable.