



FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference : MAN/00BY/LDC/2026/0004

Property : 16 Henry Street & 25 Argyle Street Liverpool
L1 5BL

Applicant : Wallace Estates Limited

Representative : Inspired Property Management Limited

Respondents : The Residential Long Leaseholders of the
Property, as set out in the Annex

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

Tribunal : Tribunal Judge L Brown
Tribunal Member Mr H Lewis

Date Decision : 08 September 2026
Issued

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 Applicant serving each Respondent with a copy of this Decision.

The Application

1. Application dated 2 January 2026 was made by inspired Property Management Limited (IPM). The Applicant is an agent for Wallace Estates limited, the freeholder and landlord, of the Property. The Tribunal is satisfied that the Applicant should be Wallace Estates Limited, as identified in its directions dated 5 May 2026, which is represented by IPM. Therefore, the Tribunal has substituted Wallace Eastes Limited as Applicant under Rule 10 of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (as amended).

2. The Tribunal was informed that the Property comprises 2 blocks of apartments – six in 25 Argyll Street (and a commercial unit) and eight in 16 Henry Street.

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 set out in the Application consist of replacement of communal water booster pumps, located in the underground car park beneath the Property.

5. The only issue is whether it is reasonable to dispense with the statutory consultation requirements.

Paper Determination

6. The Tribunal's 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. a copy of the Tribunal application form;
- b. a copy of the directions;
- c. a 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 (including full details of attempts made by the Applicant to obtain quotes or estimates); and
- g. copies of any other documents the Applicant sought to rely on in evidence.

7. The directions also provided that any leaseholder who opposed the Application must within 21 days of receipt of the documents referred to in paragraph 6 complete and return the reply form attached to the directions and send it to the applicant and Tribunal together with a statement in response to the Application and any documents and witness statements which they sought to rely on in evidence.

8. No responses from any Respondent was provided to the documents the Applicant proposed to rely upon in support of the Application it provided, within a bundle of 39 pages, and no objections to the Application were submitted to the Tribunal by any Respondent, none of whom have taken any part in the proceedings.

9. 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.

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

11. 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

12. 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.’

13. 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’.

Evidence and Findings of Fact

14. The Tribunal is satisfied that the Application was properly brought and is in proper form, as corrected by the Tribunal regarding the identity of the Applicant, as recorded in the heading to this decision.

15. The Applicant seeks dispensation from the consultation requirements as the works, which are qualifying works, were required urgently to maintain essential services and protect the interests of leaseholders. The Applicant set out “*The existing pumps are at the end of their useable life, and require replacement. Residents are experiencing water pressure fluctuations where the supply drops and then returns on a regular basis. The pump set is likely to fail imminently, which would result if the apartments not having sufficient water pressure which could result in the properties becoming uninhabitable. We would like to replace the pumps before they fail in order to maintain water supply to the property.*”

16. In its Statement of Case dated 5 May 2026 the Applicant set out. “*...the existing pumps were at the end of their serviceable life and experiencing repeated operational failures, including frequent fluctuations in water pressure affecting residents.*”

These issues indicated a significant and imminent risk of total pump failure, which would have resulted in: o loss of adequate water pressure; and o potential loss of running water to affected flats.

Such failure would have materially affected occupation of the properties and risked rendering parts of the building uninhabitable. In those circumstances, the Applicant considered that immediate replacement of the pumps was necessary in order to maintain essential services and protect the interests of leaseholders.

Consultation Undertaken

- 1. The Applicant provided leaseholders with advance notice of the proposed works and the circumstances giving rise to their urgency.*
- 2. A Notice of Intention dated 28 January 2026 was issued together with explanatory correspondence outlining: • the nature of the works; • the urgency of the situation; and • the Applicant's intention to proceed without completing the full statutory consultation process. Leaseholders were therefore aware of: • the need for the works; and • the reasons why full consultation could not be completed in advance.*

Reasons for Non-Compliance

- 1. The Applicant did not comply fully with the consultation requirements due to the urgent nature of the works. 2. Compliance with the full consultation procedure would have required: • issue of notices; • a 30-day consultation period; and • further procedural steps prior to instruction. 1. This would have introduced a delay of several weeks, during which time there was a material risk of pump failure and consequent disruption to essential water supply. 2. In those circumstances, the Applicant reasonably concluded that it was necessary to proceed immediately in order to safeguard the building and its occupants. 3. The contractor instructed had recently undertaken equivalent works at a neighbouring property owned by the Applicant, providing assurance as to competence and suitability.*

19. Despite not fully engaging in the consultation process, the Applicant did notify the residents of the proposed works and also obtained three quotations:

- Marshall Pump Systems Ltd
Quotation dated 14 October 2025 in the sum of £10,550 plus Vat
- EFAFLU UK Ltd
Quotation dated 2 July 2025 in the sum of £10,584 plus VAT
- NT Cloke Pumps and Water Ltd
Quotation dated 10 September 2025 in the sum of £10,000 plus VAT.

21. Accordingly, the applicants proceeded with NT Cloke Pumps and Water Ltd being the cheapest quotation. The company invoice for the completed works is dated 26th February 2026.

22. The Tribunal found from the above uncontradicted evidence that the works were urgent to maintain water flow to the occupiers of the Property.

20. 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 found no evidence that the Respondents would suffer prejudice in the event that the Application for dispensation from the consultation requirements was granted.

Determination

21. 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. To facilitate the efficient and timely issuing of this decision to all parties, the Tribunal considers it appropriate to make it a condition of granting dispensation that the Applicant serves every Respondent with this Decision, as it is not for the Tribunal to undertake such a significant administrative burden.
22. 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).