



FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference : MAN/30UH/LDC/2026/0031

Property : 1-84 Lune Square, Damside Street, Lancaster,
LA1 1AH

Applicant : Lune Square (Lancaster) RTM Company
Limited

Representative : Managing Estates 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 J Fraser

Date Decision : 15/09/2026
Issued

DECISION

Dispensation for the Works described in paragraph 3 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 29 April 2026 was made by the Applicant to seek 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.
2. The Tribunal was informed that the Property is a purpose-built apartment building which comprises of three interconnected residential blocks containing 84 self-contained flats, with stepped elevations ranging between four and eight storeys.

3. The qualifying works as set out in the Application consist of full replacement of the communal fire alarm system for the Property

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

Paper Determination

5. The Tribunal's Directions dated 8 June 2026 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.

6. The directions also provided that any leaseholder who opposed the Application must within 21 days of receipt of the documents referred to in paragraph 5 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.

7. 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 59 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.

8. 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.

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

10. 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

11. 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.'

12. 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

13. The Tribunal is satisfied that the Application was properly brought and is in proper form.

14. The Applicant seeks dispensation from the consultation requirements as the works, which are qualifying works, were required urgently to maintain essential safety precautions and to protect the interests of leaseholders. The Applicant set out its reason for the request *".....as key components have become obsolete and are no longer readily available. As a result, faults are occurring [sic] more frequently, leaving us with no viable option other than to replace the system."* In addition it set out in the Application, *"There was no time to consult and arrange for different contractors to provide costs. The Fire Alarm is required to be installed immediately. To prevent interim measures and help save lives in the event of a fire."*

15. The Applicant provided a certificate of service dated 18 June 2026 recording that it had dispatched that day to the Respondents the paperwork as required by the Tribunal, making the effective date of service 20 June 2026.

16. In its Statement of Case the Applicant set out. *"...the existing fire alarm system had suffered multiple component failures which required urgent attention. Upon investigation by the RTM Company's appointed fire alarm maintenance contractor, it became apparent that several of the failed components were obsolete due to the age of the system and replacement parts were either unavailable or extremely difficult to source within a reasonable timeframe. As a result, repairing the existing system was not considered a viable long-term solution."*

Lune Square is a high-rise residential building and, as such, maintaining a fully operational fire detection and alarm system is of critical importance to the safety of

residents and visitors, as well as to the RTM Company's statutory and regulatory responsibilities. The Directors considered that delaying the works in order to undertake the full Section 20 consultation process would have exposed residents to an unacceptable risk and could have compromised the building's fire safety arrangements.

Having received professional advice from the appointed specialist contractor, the Directors concluded that the most appropriate course of action was to proceed with the replacement of the fire alarm system without delay. This decision was taken solely on the grounds of health and safety and the need to ensure that the building remained adequately protected."

17. Despite not fully engaging in the consultation process, the Applicant notified the leaseholders of the contractor's findings and proposed works and that he expected cost of the works would exceed £250 per flat, leading to the Application.

18. A quotation for carrying out the works was provided from Parr Fire Protection Services Limited - £18,476.73 plus VAT of £3,695.35.

19. The Tribunal found from the above uncontradicted evidence that the works were urgent to maintain fire safety for the Property and its occupiers.

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 for the works identified in paragraph 3 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).