



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

Case Reference : **BIR/00CG/LDC/2026/0011**

Property : **6-12 Saffron House, Mill Road. Shrewsbury SY2 6AY**

Applicant : **Abbey Wharf (Shrewsbury) Management Company Limited**

Representative : **Lambert Smith Hampton Residential Ltd (Ref: Mark Dann)**

Respondents : **The long leaseholders of 6-12 Saffron House.**

Type of Application : **An application under section 20ZA of the Landlord and Tenant Act 1985 for dispensation of the consultation requirements in respect of qualifying works**

Tribunal : **Tribunal Judge P.J. Ellis
Tribunal Member Mr G.S. Freckelton FRICS**

Date of Hearing : **21 September 2026**

Date of Decision : **25 September 2026**

Decision

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The Tribunal dispenses with the obligation to carry out consultation with the leaseholders of in respect of remedial work required to the lifts in 6-12 Saffron House due to a failing OSG bearing

Introduction and Background

1. This is an application for dispensation from the consultation requirements of s20 Landlord and Tenant Act 1985 (the 1985 Act) in respect of works of repair to lifts at the property. The Applicant is Abbey Wharf (Shrewsbury) Management Company Limited represented by its agent's Lambert Smith Hampton Residential Limited. The Respondents are listed in the schedule attached.
2. The works required were to the lifts in one of the blocks (6-12 Saffron House) due to a failing OSG bearing.
3. The reason for the urgency of the work and the need for this application is that some of the residents are being affected by the loss of the use of the lift due to poor health and/or age-related reasons. Correspondence from solicitors acting on behalf of the leaseholder residing in the penthouse alleged that the Applicant's representative as managing agent and/or the Applicant is in breach of the Equality Act by not acting swiftly enough to undertake the works required and to apply for dispensation.
4. The first notice under the s20 consultation had been sent out, advising the leaseholders of the works required. A quote has been obtained and a second quote had been requested. However due to the urgency of the works, instructions to undertake the work were issued. It was completed on 28 January 2026.
5. The Tribunal issued Directions on 1 July 2026 requiring the Applicant to serve the application and Directions on the leaseholders who were directed to state whether they opposed the application for dispensation. Only one leaseholder Ms Shirley Radfod, replied indicating she had no objection to the application.

The Property

6. The uncontested description of the Property is a purpose built four storey block consisting of 7 flats. The roof is pitched and tiled, with external walls of brick and block.

The Lease

7. The Tribunal was provided with one lease as a specimen of all leases. It was made on 24 July 2015 between the parties for a term of 250 years from first of January 2013. By paragraph 2 of the fourth Schedule the lessor agreed to maintain the (Property) in good and substantial repair and condition making all necessary renewals and replacement as may be required.

Discussion and Decision

8. The Tribunal must be satisfied under s20ZA of the Act that it is reasonable to dispense with consultation requirements having regard to the decision of the Supreme Court in *Daejan Investments Ltd v Benson and others [2013] UKSC 14* (“*Daejan*”) and its guidance to the Tribunal that in considering dispensation requests, it should focus on whether tenants are prejudiced by the lack of consultation required section 20.
9. The Tribunal is satisfied the leaseholders will not suffer any prejudice by the grant of dispensation of consultation requirements. Whereas urgency of itself is not sufficient although it may be one of the facts giving rise to an application for dispensation if there is no prejudice to the tenant arising from the failure to properly consult it is impossible to see any reason why dispensation is not given as held by HHJ Cook in *RM Residential v Westcare [2024]UKUT 56(LC)*.
10. In this case the Tribunal does not consider the failure to consult has caused any prejudice to the lessees. The problem with the lift was a sufficient cause of concern to some leaseholders to justify instructing solicitors to require repair by the Applicant or its agent. There was no challenge to the application. The Tribunal is willing to assume the relevant leaseholders expected the landlord to carry out remedial work as required by the lease.
11. Further, the Tribunal’s Directions notify leaseholders this decision does not restrict their entitlement to challenge consequential costs and charges under

s27A Landlord and Tenant Act 1985. Moreover, the proposed works are for the benefit of the leaseholders.

12. The Tribunal is satisfied this is a suitable case in which to grant the application. Accordingly, the Tribunal dispenses with the obligation to carry out consultation with the leaseholders of in respect of remedial work required to the lifts in 6-12 Saffron House due to a failing OSG bearing.

Appeal

13. If either party is dissatisfied with this decision, they may apply to this Tribunal for permission to appeal to the Upper Tribunal (Lands Chamber). Any such application must be received within 28 days after these written reasons have been sent to the parties and must state the grounds on which they intend to rely in the appeal.

Judge P.J. Ellis

Schedule of Leaseholders – 6-12 Saffron House

Mr W Leah

Miss Abbie Guest

Christopher Walley & Jo-Anne Walley

Ms Eileen Stuart

Christine Marsh

Mr & Mrs Burton

Shirley Radford