FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case reference	**:**	**HAV/00MW/LDC/2026/0179**
Property	**:**	**Bellflower House, 1 Beauchamp Drive, Newport, PO30 2FE**
Applicant	**:**	**Pan Management CIC**
Representative	**:**	**ERMC Ltd**
Respondent	**:**	**The Leaseholders of Flats 1-9**
Representative	**:**	**N/A**
Type of application	**:**	**To dispense with the requirements to consult lessees about major works section 20ZA, Landlord and Tenant Act 1985**
Tribunal members	**:**	**Judge D Cowan**
Date of determination	**:**	**10th November 2026**

DECISION

Decision of the tribunal

The Tribunal determines to exercise its discretion to dispense with the consultation requirements contained in Schedule 4 to the Service Charges (Consultation Requirements) (England) Regulations 2003.

The application

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1. On 28th September 2026, Mr Glenn McGinness, on behalf of ERMC Ltd, the managing agent on behalf of the Applicant, issued an application for dispensation from the statutory consultation requirements in respect of remedial works to a velux window frame.

2. The property is a purpose built block of apartments, built in the mid 2010s, comprising of nine one and two bedroom apartments.

The Determination

3. Directions in this application were made on 1st October 2026. The directions indicated that the matter would be determined on the papers without a hearing based on written representations received. The directions also provided that any party may make a request to the tribunal that a hearing be held. No such request was made and therefore this determination is made based on the written representations received.

4. The Directions provided that the Respondents shall complete and return the reply form to the Tribunal and the Applicant by 16th October 2026. In the event that the form was not returned by any of the Respondents, the Directions further provided that the Tribunal would assume that they do not wish to receive any further communications from the Tribunal including a copy of the determination unless a specific request is made. The determination will, however, be binding on all leaseholders.

5. On 23rd October 2026, Mr McGinness notified the Tribunal that the Applicant had received no objections to the application submitted.

The Evidence

6. The Applicant seeks dispensation from the consultation requirements under section 20ZA of the Landlord and Tenant Act 1985 for the following reasons:

    (i) It was evident that there was damage to the window frame which was prohibiting the window's function.

    (ii) The proposed works were to erect access equipment to enable access to the installation, remove and dispose of the existing damaged window, supply and fit a new equivalent window of the same size and specification, and undertake all necessary making-good works to the internal reveals and the external sections of roof adjacent to the AOV unit.

(iii) As the works affected the fire safety system in the building, Leaseholders had been informed on 15th September 2026 that remedial works would be conducted as a matter of urgency with this application to follow.

(iv) The Applicant proceeded with the lowest returning tender so that fire safety systems would return the building to being compliant without delay.

The Law

7. The Tribunal is being asked to exercise its discretion under s.20ZA of the Act. The wording of s.20ZA is significant. Subs (1) provides

> '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 agreements, the tribunal may make the determination **if satisfied that it is reasonable to dispense with the requirements'** (emphasis added).

The tribunal's decision

8. The tribunal determines to grant the application.

Reasons for the tribunal's decision

9. The Supreme Court decision of *Daejan Investments Limited v Benson* [2013] UKSC 14 sets out the principles upon which the Tribunal should exercise its discretion to dispense with the consultation requirements. It made clear that the correct approach of the Tribunal is to consider whether any prejudice to the leaseholders in terms of inappropriate works being carried out or paying more than would be appropriate for the works. Only if relevant prejudice will be suffered by leaseholders should applications be refused. Relevant prejudice means financial prejudice.

10. The Tribunal determines that the works are urgent and necessary. Failure to carry out the works will result in the building being non-compliant in respect of building safety.

11. The works are appropriate because they are being carried out to obtain compliance with a legally required fire risk assessment. Leaseholders were informed of the proposed works and the reasons for them in advance of the works being conducted.

12. The Respondents have not submitted a Reply form. Therefore there is no evidence of any relevant prejudice to the leaseholders.

13. All parties should note that this determination does not concern the issue of whether any service charge costs will be reasonable or indeed payable.

Name: Judge D Cowan **Date:** 10th November 2026

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).