



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

Case reference : **MAN/00BY/LDC/2022/0006**

Property : **City Quay, Ellerman Road, Liverpool L3
4FD**

Applicant : **City Quay Management (2001) Company Ltd**

Representative : **Cullimore Dutton Solicitors**

Respondent : **Various residential long-leaseholders
of City Quay**

Type of application : **Landlord & Tenant Act 1985 S20ZA**

Tribunal Members : **Mr J A Platt FRICS (Chairman)
Mr W Reynolds MRICS**

Date of decision : **27 June 2022**

DECISION

DECISION

Pursuant to section 20ZA of the Landlord and Tenant Act 1985 the Tribunal makes a determination to dispense with the requirement for the Applicant to consult with the Respondents on the procurement of insurance cover under a long-term agreement for three-years commencing 20 September 2021.

REASONS

The Application

1. The application ('the Application') was made on 18 January 2022 by the Applicant's Representative. It seeks dispensation under section 20ZA of the Landlord and Tenant Act 1985 ('the Act') in relation to the statutory consultation requirements prescribed by Section 20. The Applicant entered into a qualifying long-term agreement relating to the provision of insurance cover for City Quay, with NIG Insurance, commencing 20 September 2021. The policy provides cover for one year but automatically renews on each anniversary at a fixed cost over a three-year period.
2. City Quay is a purpose built scheme comprising 415 units, located within 13 separate blocks of flats. The Respondents are the leaseholders of the flats. The Applicant is a Residents' Management Company landlord of whom all the Board of Directors are also leaseholders.
3. Directions were issued on 28 March 2022. The Applicant was directed to provide details of the Application to all Respondents. The Respondents were, thereafter, invited to notify the Tribunal if they opposed the application and, if so, provide a statement in response to the Application.
4. The Applicant's Representative confirmed to the Tribunal on 11 April 2022 that the Directions had been complied with. No responses were received by the Tribunal from any Respondents opposing the application.
5. The Application detailed terms of the insurance cover, details of market testing undertaken by the broker, benefits of the cover, costs of the cover in total and to each individual leaseholder. The Application also detailed why it had not been possible to comply with the consultation requirements of Section 20 due to the limited time within which the offer was available to be accepted by the Board of Directors (who are all leaseholders contributing to the costs of the cover). In view of there being no 'active' Respondents opposing the Application, it is not necessary to reproduce that information in any detail within this decision.

The Law

6. Extracts from Sections 20 and 20ZA of the Act are appended.
7. The Tribunal considers the Supreme Court case of *Daejan Investments Limited v Benson and Others* [2013] UKSC 14 ('*Daejan*') to be the leading case on dispensation. In *Daejan* Lord Neuberger stated that in deciding pursuant to

section 20ZA whether it is reasonable to dispense with consultation requirements, a tribunal should consider whether any relevant prejudice would be suffered by the leaseholders. Lord Neuberger stated that whilst the legal burden of proof rests throughout on the landlord, the factual burden of identifying some relevant prejudice that they would or might have suffered rested on the tenants.

Determination

8. In this case, none of the Respondents have opposed the Application. The Tribunal finds therefore, that there is no relevant prejudice identified by any Respondent, suffered as a consequence of the Applicant's decision not to follow the consultation requirements prescribed by Section 20 of the Act.
9. A decision on the issue of dispensation does not concern the issue of whether any service charge costs resulting from any agreement are reasonably incurred or payable.
10. In the circumstances of this case, the Tribunal considers it reasonable to dispense with the consultation requirements. Accordingly, the Tribunal makes a determination under section 20ZA of the Act to dispense with the requirement to consult with the Respondents under Section 20, in relation to the procurement of insurance cover under a long-term agreement for three years commencing 20 September 2021.

J A Platt
Tribunal Judge
27 June 2022

Annex: List of Leaseholders

BCP Alpha Ltd	Mr & Mrs A Jennings	Mr & Mrs R Irving
Dr & Mrs W J Jones	Mr & Mrs A K Zubair	Mr & Mrs R Seth
Dr A Graham	Mr & Mrs A Shah	Mr & Mrs S Chen
Dr A K S Manoj	Mr & Mrs Bellamy	Mr & Mrs S Hothi
Dr A M Arain	Mr & Mrs Chiu	Mr & Mrs S Khatri
Dr A Nair	Mr & Mrs D Evans	Mr & Mrs S Penrose
Dr C G Blanshard	Mr & Mrs D Grimes	Mr N Bowley
Dr M Vilalta-Escoda	Mr & Mrs D Higham	Mr N Goldstone
Dr Morad Kamyab	Mr & Mrs D Jones	Mr N Mather
Dr Rieka Taghizadeh	Mr & Mrs D Marrs	Mr N Nixey
Dr S Jiwani	Mr & Mrs D Vaja	Mr N R Howard
Dr S R Gutha	Mr & Mrs Downes	Mr N S Harrison
Dr S Tripathi	Mr & Mrs E S Blakey	Mr Neil Shaw
Fan & Jing Zhang & Ma	Mr & Mrs F Andrade	Mr O Parkhouse
ICC Investments Ltd	Mr & Mrs F J Davis	Mr P F Xavier
Messrs Bray & Cassell	Mr & Mrs G Deary	Mr P Ghosh
Mr & Mrs S Street	Mr & Mrs G T Lacy	Mr P Hanratty
Mr & Mrs T Marshall	Mr & Mrs Hasson	Mr P Hayes
Mr & Mrs Y H Cheung	Mr & Mrs Hicks	Mr P J Husband
Mrs Wong	Mr & Mrs J Brennan	Mr P Kettle
Messrs P & Y Spratt	Mr & Mrs J Earnshaw	Mr B R Barlow
Miss Alison Graham	Mr & Mrs J Stephens	Mr B Savadia
Miss Anna B Bridge	Mr & Mrs K Burke	Mr B Vidarsson
Miss Carol Krenn	Mr & Mrs K Duncan	Mr Ben Stanley
Miss Carol Metcalf	Mr & Mrs K Harris	Mr Brian Riley
Miss Caroline Hayword	Mr & Mrs K Neilson	Mr Brian Roche
Miss Emma Kristina Crosby	Mr & Mrs K S Ward	Mr C A Smith
Miss F A Ashaye	Mr & Mrs N Mitchell	Mr C Barnes
Miss F Wilson	Mr A C Palmer	Mr C Cullen
Miss H Chandrashakar	Mr A Dumbell	Mr C G Goulding
Miss Hollie Washington	Mr A Farrell	Mr C Herring
Ms A Salam	Mr A Fradley	Mr C J Smith
Miss J Wolfendale	Mr A Hayes	Mr C K Patel
Miss Jessica Small	Mr A Hunt	Mr C Lakhanpal
Miss Joanne Hale	Mr A J Larkin	Mr C Skane-Davis
Miss J A Featherstone	Mr A Komuravelli	Mr Candlin
Miss K Edwards	Mr A Mashood	Mrs G Jones
Miss K K Atterbury	Mr A Mediratta	Mrs H Pryce
Miss K Walsh	Mr A Rasaratnam	Mrs J McDonough
Miss Kelsie Williams	Mr A Rogan	Mrs J Nixey
Miss L T Baker	Mr A Sampat	Mrs Julie Wright
Miss L Wilcox	Mr A Starkey	Mrs Justine Clare
Miss M Delargy	Mr A Tattershall	Mrs P A Steen
Miss Nicola Dunne	Mr A Warren	Mrs P Clay
Miss S W Cheung	Mr Alan Quinn	Mrs P Kean

Miss T A Greenall	Mr G Khanijau	Mrs P Yadav
Miss T Barnes	Mr G O'Flanagan	Mrs S Bharat
Miss T Clucas	Mr G Smith	Mrs S Passmore
Miss Teresa Dennis	Mr Geoff Williams	Mrs S Wong Ching Hwai
Miss Vimisha Mistry	Mr Graeme Jones	Mr B Goodyear
Mr D Eccles	Mr Ian Christie	Ms A Faulkner
Mr D N Garnett	Mr J De La Rosa	Mr N A Pitt
Mr D S Dickenson	Mr J Donoghue	Mr N Holden
Mr D Sunderland	Mr J Hewitt	Mr P Simpson
Mr D Taylor	Mr J L Cartwright	Mr Paul Baker
Mr E E S Alsayagh	Mr J Laya-Gomaez	Mr Paul Bromley
Mr E R Slaughter	Mr J McCafferty	Mr Peter Martin Beckett
Mr Eddie Tickle	Mr Aylen	Mr Peter Vickers
Mr F Renshaw	Mr S K Kok	Mr Richard Francis
Mr G Boccuzzi	Mr S Mitha	Mr Ryan Macauley
Mr G Evans	Mr S Nuttall	Mr S Ashoo
Mr G Hamilton	Mr S O'Neill	Mr Sam Mawdsley
Mr G Hewitt	Mr S Rao	Mr Sands & Miss Moran
Mr G J Jones	Mr S T Chorley	Mr T Winn-Morgan
Ms A Williams	Mr Sam Gibson	Mr V Ferguson
Ms C & K Boyce	Mr Shane Turner	Mr Vaughan & Ms Raisey
Ms C M Wingate	Mr Singh	Mr W T Morris
Ms Cheung	Mr Stanley Davies	Mr Yulun Wu
Ms Diane Grant	Mr S Crosby	Mr Z r Sullivan
Ms Donna Maria Burke	Mr S Dowell	Mrs & Mrs B & J Dimeck
Ms Eileen Jones	Mr S Gelling	Mrs A C Higham
Ms Emma Wainright	Mr T A Clarke	Mrs D N Shah
Ms J Bailey	Mr T Brady	Ms Anna Mary Dolby
Ms J Beach	Mr T C Brock	Ms E C Pomford
Ms J Hayworth	Mr T Donnelly	Ms F Zaman
Ms J Kershaw	Mr T J F Nixon	Ms G Gale
Ms J Markham	Mr T Radia	Ms H S Robb & Mr C P Mason
Ms J Paton	Mr U Gupta	Ms J Hayworth
Ms J Tse	Mr V Koowaroo	Ms J S Schmidt
Ms J Warburton	Mr V S Kwong Yip	Ms L Romano
Ms K A Bradbrook	Mr V Sood	Ms M Jones
Ms K Bradbury	Mr W Akinrinola	Ms M Woodward
Ms K Stanton	Mr W J Bradley	Ms N Gimson
Ms L A Bagshaw	Mr W Judge	Ms N Killen
Ms L A King	Mr W Martin	Ms P J Robshaw
Ms L Gimbert	Mr W Range	Ms S Burns
Ms L Jones	Mr Z Esmail	Ms V Karkelanova
Ms L Kissack	Mr Zr Mohsan	Salvesen Properties Ltd
Ms L M Howard	Mrs & Miss Prakash	Southernplus Ltd
Ms L Murrell	Mrs A McCurley	Miss R Farahi
Ms M G P Raja	Mrs D K McEvoy	Miss RL Bailey
Ms P J Newey	Mrs D Rubin	Mr & Mrs Gale
Ms S Ioannidis	Mrs G Garwood	Mr P R Trayler

Mr Paul Moses	Mr & Mrs Bagnall)	Mr Holden & Ms McLoughlin
Mr PeiYuan Jiang	Mr & Mrs C Deane	Executors Mr P Lad (Deceased)
Mr R M Langley	Mr & Mrs Higham	Messrs Eswaran & Kandeewaran
Mr R Patel	Mr & Mrs M Hart	Messrs P & M Johnson-Treherne
Mr R Pollard	Mr & Mrs P Siddle	Miss I Mateides & Mr N A Fulcher
Mr R Sandhu	Mr D Campbell	Mr & Miss K B & S J Roberts & Lloyd
Mr R Whitehouse	Mr & Mrs P Bowery	Mr & Mrs Neven & Nives Kasic
Mr S Harding	Mr & Mrs Stringman	Mr & Mrs P J Marshall
Mr S Hegarty	Mr P Marshall	Mr & Mrs P T Whitty
Mr S J Hopkins	Mr Adam Jones	Mr & Mrs G J Brandwood
Ms S L Snow	Mr Alan Atherton	Mr P L McCormick
Ms S McLaughlin	Mr Alexander Joseph Scanlon	Mr P Levenson & Miss E J Fitzsimons
Ms S Subhani	Mr Arthur Baas	Mr Malcolm Peoples
Ms S Thomas	Mr Ben Howen	Mr Marc Stanton-Bennett
Ms Sarah J Allen	Mr Buckeridge & Miss Booty	Mr Michael Binks
Ms V A Williams	Mr Christopher Wilson	Mr Mike Readitt
Ms W C Derbyshire	Mr Chun Ting Lam	Dr & Mrs M Alexander
Ms W Gilbert	Mr D Bailey	Mr & Ms Richard Ward
Ms Y L Chan	BCP Beta Ltd	Mr Cook & Ms Sawko
O Smith	Mr D J P Higham	Mr Winiarski & Mrs Wolanska
Reticent Holdings Ltd	Mr D Vaja	Mr B Higgins & Dr S Meah
VP Ferguson Ltd	Mr Daniel Ankrah	Mr Christopher Jones
Wai Ting Tse	Mr Daniel Cabezas	Mr D Branum-Winters
Dr S Jiwani	Mr Darik K L Leung	Mr Andrew Bamford
Miss G Miller	Mr David John O'Malley	Mr Anthony Whittaker
Miss K M Foster	Mr Derek Campbell	Mr J Stone & Miss D J Rodaway
Mr M John	Mr Dipti Vinay Shah	Mr D Copsey & Mr S Iheanaetu
Mr J Vogler	Mr Douglas James Grimshaw	Mr P Potter & Mr P Gordon
Mr Jaques Loguellou	Mr G Holman	Mr Paul & Vinod Tandon
Mr Jason Taylor	Mr Gary King	Mr D Holdsworth & Mr J Muirhead
Mr Joel Berman	Mr Geoff Williams	Ms A Shewhorak & Ms K Parnell
Mr Jonathan Owen	Mr H A Alhanshali	Mr T Latimer & Ms A Reyland
Mr K E Wood	Mr Heaps & Miss Edwards	Anvil Property Management Limited
Mr K Nijjer	Mr J Haynes	Bik Wah Linda Mok
Mr Keith Thomas Baines	Mr Jack Murray	Christopher James Lettings Ltd
Mr Kieran Swindells	Mr James Leonard	Miss N Whitehouse
Mr Kim Cheung	Mr Jamey Todd Smith	Mr & Mrs Sandeep & Kajal Shah
Mr L D Mildener	Mr John K Birchall	Waterloo Dock Property LTD
Mr L Simpson	Mr Kazi Shahabuddin	
Mr L Singh	Mr Kevin James Foster	
Mr Lee D Harten	Mr Levi Tsi Lung Cheung	
Mr M & I Ibrahim	Mr M Carmichael	
Mr M Burns	Mr Martin & Ms Cameron	
Mr M J Riley	Mr Mike Bytheway	

Appendix

Landlord and Tenant Act 1985

Section 20

(Subsections (1) and (2):)

(1) Where this section applies to any qualifying works or qualifying long term agreement, the relevant contributions of tenants are limited in accordance with subsection (6) or (7) (or both) unless the consultation requirements have been either -

(a) complied with in relation to the works or agreement, or

(b) dispensed with in relation to the works or agreement by (or on appeal from) a tribunal.

(2) In this section 'relevant contribution', in relation to a tenant and any works or agreement, is the amount which he may be required under the terms of his lease to contribute (by the payment of service charges) to relevant costs incurred on carrying out the works under the agreement.

Section 20ZA

(Subsection (1))

(1) 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.