



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

**Case reference** : **BIR/41UE/LDC/2022/0031**

**Property** : **Brunswick Court, Brunswick Street,  
Newcastle-under-Lyme ST5 1HH**

**Applicant** : **Brunswick Court Estates Ltd**

**Representative** : **Mr Carl Fain (counsel) instructed by  
Fladgate LLP, Solicitors**

**Respondents** : **The residential leaseholders of  
Brunswick Court listed on the Appendix**

**Representative** : **Mr Robert Bowker (counsel) instructed  
by Housing and Property Law  
Partnership, Solicitors**

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

**Tribunal member** : **Judge C Goodall  
Mr I Humphries FRICS**

**Date and place of  
hearing** : **30 November 2022 by video hearing**

**Date of decision** : **7 December 2022**

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**DECISION**

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UPON the Landlord's application dated 20 September 2022 pursuant to section 20 ZA of the Landlord and Tenant Act 1985 ("the Act") seeking dispensation with the requirement to comply with the consultation requirements pursuant to s.20 of the Act in relation to:

- A. Works to repair fans connected with the fire alarm in the Property in the sum of £21,674.40 (including VAT) ("the Fan Works")
- B. Works to conduct fire door remedial and fire-stopping works within the Property ("the Remedial Fire Works")
- C. Works carried out by Anstey Horne in carrying out the EWS Report dated October 2022 and the Fire Risk Appraisal of External Walls Report dated November 2022 (including the EWS1 Form) in the sum of £25,200 (including VAT) ("the AH Works").

Hereafter referred to as "the Application"

AND UPON a letter dated 29 November 2022 from the Staffordshire Fire and Rescue Service by which the Enforcement Notice dated 8 March 2021 was withdrawn.

AND UPON the tenants of flats 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 22, 23, 25 and 26 being jointly represented by Messrs Housing & Property Law Partnership ("the Represented Tenants") and consenting to dispensation as set out below.

AND UPON the tenant of Flat 1 consenting to the Application

AND UPON the tenants of Flats 3, 4, 17, 20 and 24 having been served with the Application.

AND UPON the tenant of Flat 3 having been represented by Messrs Housing & Property Law Partnership but no longer being represented by the said solicitors.

The tenants of all the flats in the Property are hereafter collectively referred to as "the Tenants"

AND UPON the Landlord no longer seeking dispensation from the consultation requirements in relation to the Remedial Fire Works, as it will now undertake the consultation pursuant to s.20 of the Act in relation to those works as soon as reasonably practicable.

AND UPON hearing Carl Fain, counsel for the Landlord and Robert Bowker, counsel for the Represented Tenants

The Tribunal **grants dispensation** from the consultation requirements of s.20 of the Act in respect of the following works (“the Works”) on the conditions set out below (“the Conditions”):

### The Works

1. The Fan Works;
2. The AH Works;
3. The works carried out by Unitas in carrying out the Fire Stopping Survey dated January 2022.

### The Conditions

1. The Landlord will not be entitled to recover any costs of the Application as a service charge or administration charge under the terms of the leases of the Tenants.
2. The Landlord will pay a contribution towards the Represented Tenants’ legal costs of the Application in the sum of £12,500 plus VAT.

Judge C Goodall  
Chair  
First-tier Tribunal (Property Chamber)

### **Appeal**

Any appeal against this decision must be made to the Upper Tribunal (Lands Chamber). Prior to making such an appeal the party appealing must apply, in writing, to this Tribunal for permission to appeal within 28 days of the date of issue of this decision (or, if applicable, within 28 days of any decision on a review or application to set aside) identifying the decision to which the appeal relates, stating the grounds on which that party intends to rely in the appeal, and stating the result sought by the party making the application.

## List of Respondents

1. Monica Yadava
2. Halina Teresa Clapinska
3. Kishor Bhimji and Anjana Gohil
4. Investar Development Ltd
5. Paul Arthur Edmonds and Mandy Jacqueline Edmonds
6. Christopher Geoffrey Male and Marion Male
7. Peter Daniel Nash
8. R G (Wicklands) Limited
9. Maria Wood
10. Nicholas Michael Rogers and Elizabeth Martha Rogers
11. John Patrick Irwin and Donna Lorraine Irwin
12. Stephen Taylor
13. Andrew Bernard Light
14. Gillian Ann Wilson and Geoffrey Charles Wilson
15. David Griffiths (flats 15 and 23)
16. Stephen John Ramage
17. Robert John Hulme
18. Darren Knight
19. Andrew Shaun Bartlem
20. Hengyi Investments Ltd
21. Louise Loretta Admans
22. Kinshore Chandiramani
23. Stuart Macfarlane
24. Christian Henning Arne Bogstrand
25. Philip James Salt