



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

**Case Reference** : **MAN/OOBN/LDC/2021/0073**

**Property** : **Jefferson Place, 1 Fernie Street,  
Manchester, M4 4AZ**

**Applicant** : **Redbank Manchester Limited**

**Representative** : **JB Leitch Limited**

**Respondents** : **Various Residential Long Leaseholders  
See Annex A**

**Type of Application** : **Section 27A Landlord and Tenant Act  
1985 – Section 20ZA**

**Tribunal Members** : **Tribunal Judge J.E. Oliver  
Tribunal Member S.A. Kendall**

**Date of  
Determination** : **16th June 2022**

**Date of Decision** : **4<sup>th</sup> July 2022**

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**DECISION**

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## **Decision**

1. The application to dispense with the consultation requirements imposed by Section 20 of the Landlord and Tenant Act 1985 (“the Act”) regarding the works specified by the Applicant to ensure the safety of the residents at Jefferson Place, 1 Fernie Street, Manchester is granted.

## **Reasons**

### **Background**

2. This is an application made by Redbank Manchester Limited (“the Applicant”) for the dispensation of the consultation requirements imposed by Section 20 of the Landlord & Tenant Act 1985 (“the Act”) regarding works required to remedy the existing cladding system at Jefferson Place, 1 Fernie Street, Manchester (“the Property”).
3. The Applicant has stated the current cladding does not comply with the current guidance and proposes to carry out certain works to remedy this. These works include: render, spandrel panels, metal cladding, insulation and sundry associated works, fire safety barriers, vents, signage and other fitments.
4. The Respondents to the application are the various long leaseholders of the Property (“the Respondents”).
5. The application is dated 7<sup>th</sup> July 2021 and in respect of which directions were issued on 11<sup>th</sup> February 2022 providing for the filing of any objection by the Respondents and for the application to be determined without a hearing.
6. There was one formal objection to the application by the leaseholder of Apartment 16.05.

### **The Law**

7. Section 20 of the Act provides:

*(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 or under the agreement*

*(3) This section applies to qualifying works if relevant costs incurred on carrying out the works exceed an appropriate amount.*

8. In the event the requirements of section 20 have not been complied with, or there is insufficient time for the consultation process to be implemented then

an application can be made to the First-tier Tribunal pursuant to section 20ZA of the Act.

9. Section 20ZA of the Act provides:

*(1) Where an application is made to a tribunal for a determination to dispense with all or any 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*

Submissions

1. The Applicant is the landlord of the Property, a 18-storey residential block (including three basement car parking levels) with 309 apartments.
2. The Applicant has been made aware that remedial works are required to the Property relating to the construction of the external wall system and, in particular, that it is constructed of combustible materials and poses a fire risk.
3. The Applicant has appointed specialist firms to report further upon the work required to remedy the defects and they have recommended the works as referred to in paragraph 3 above. The cost of this work will require compliance with the consultation requirements of section 20 of the Act.
4. The Applicant has registered the Property with the Government Building Safety Fund due to the nature of the remedial work and has claimed for the full cost of the work, but this may not be granted. There is a dispute as to whether the white render construction type, forming part of the Property, is eligible for funding and further work is ongoing regarding this.
5. The Applicant has chosen to proceed with the work under a Design and Build procurement route which is where the appointed contractor both designs and constructs the work.
6. The Applicant has obtained tenders for the work and states Castles have provided the most cost-efficient quote, in the sum of £10,709,632.51 excluding VAT and fees. It is said that, at the time of the application., it was unknown when a final decision would be made in respect of the funding, but as and when a decision is made, work will need to commence at short notice.
7. The Applicant seeks dispensation from all consultation requirements since it is said it would not be practicable to comply with them given the method of funding, the procurement method for dealing with the works and the urgency of it. It is confirmed it has updated the Respondents with details of the works via an online portal and has also arranged several online resident meetings to discuss and advise on progress.
8. The Applicant submits the Respondents will not suffer any financial prejudice by the granting of dispensation. If dispensation is not granted and consultation is required then any government funding could be lost resulting in higher costs for the Respondents.
9. One objection to the application has been received. This said that due to the uncertainty regarding whether the white render will be included in the government funding, the possibility of additional costs to the Respondents will not be the subject of any consultation. The objection was conditional upon the Applicant fulfilling certain requirements as follows:
  - (1) Provide a detailed plan of the start, duration and sequence of the works to be conducted.

- (2) Provide evidence that manpower resources are in place and orders have been placed, with confirmed delivery schedules of the raw materials, to fulfil the sequence of works and without any risk of delay due to failed procurement processes and without the need for periods of pause or absence from site.
  - (3) Provide details of the building security measures which will be put in place whilst the work is underway, including access to any scaffolding and exterior access.
  - (4) Provide confirmation that all sky telecom aerials, aerials and other communications fitments will not be disabled and full communication access will be maintained for all leaseholders and residents.
10. The Applicant submitted the conditional approval was unreasonable and the Respondents would not be prejudiced by dispensation being granted.

#### Determination

11. The Tribunal is being asked to exercise its discretion under section 20ZA of the Act. Section 20ZA (1) provides the Tribunal may do so where “*if satisfied that it is reasonable to dispense with the requirements*”.
12. The Tribunal, having considered the submissions made by the Applicant, is satisfied the works are necessary and are urgent. It accepts that due to the steps taken to carry out the work, it is not practicable to carry out the consultation requirements contained within section 20 of the Act and dispensation is therefore granted under section 20ZA.
13. The Tribunal has considered the objections made but does not consider there is any prejudice to the Respondents by reason of a failure to carry out the consultation requirements.
14. The granting of dispensation does not affect the Respondents’ rights to the challenge the reasonableness or the payability of the service charges under a separate application pursuant to section 27A of the Act.

Tribunal Judge J Oliver  
4 July 2022

902 Jefferson Ltd  
A Daniels, L G Daniels & S Alan  
Alan Gordon & Ray Shevlin  
Alan Louis Chierici  
Alero Okiy  
Alex Murchie & Helena Murchie  
Alexander Norton  
Ali Nazokkar & Arsam Nazokkar  
Ali Reza Nazokkar  
Andrew Bain  
Andrew Johnson  
Andrew Watkinson & Shelly Watkinson  
Angela McCormick  
Anne Cuddy  
Anthony John Haralambous  
Anthony Okoye  
Anthony Thomas Harrison & Thomas Harrison  
Antony Harrison  
Appenzeller Properties Ltd  
Arti Chudasama  
Asara Enterprises Ltd  
Barbara Mayling  
Barclay Brown  
Beckswood Properties Ltd  
Blair Matthew Henry & Charlotte Victoria Taylor  
Camilla Clayton & Ian Jack Clayton  
Carmel Keane & Brian Keane  
Carol Lam  
Caroline King  
Catharine Nancy Devereaux  
Charlotte Mary Cunningham & Martin Sharrock  
Chirag Jayendra Patel  
Christopher Gerard Broadbent & Kate Broadbent  
Christopher James Francis Roper  
Chui Fun Lin  
Chui Ha Siu  
Clare Margaret Dixon  
Cleto Jose Xavier Colaco  
Clive Richard Hughes & Beverly Hughes  
Constantinos Nicolaides  
Curtis Gates  
D N Gurney & J Gurney  
Damian Taylor  
Dandan Luo

Daniel Bleoju  
Daniel Hickey  
Danny Lynskey  
David Battersby  
David Koon Hang Chan & Diana Wing Yim Chan  
Dhirendra Allen & Sonal Sharma  
Diane Lyon  
Dorcros Adetola & Evelyn Adesida  
Dr & Mrs Khan  
Dr & Mrs Sakhamuri  
Dr A Jibril  
Dr Ahmed Jibril  
Dr J Yadav  
Dr K Peddi  
Dr K Peddi & Mrs K Peddi  
Dr Louisa Pang  
Dr M Mahmoud  
Dr Mustafa Mahmoud  
Dr R Kislov  
Dr Stuart Bradley Downhill  
Dr Sylvia Sham  
Duncan Eric Sanders  
Ehsan Ghayoorkarimiani & Asieh Ehsaei  
Ekaterina Lurye  
Elaine Dyson  
Elizabeth Somes & Jeffrey Crisp  
Fair General Investment Ltd  
Faraaz Akhtar Nakvi  
Farook Owadally & Seema Khan  
Fat Chung Shum  
Fu Yau Wong  
Gemma Hunter  
George Edward Perfitt  
Gerard Foy & Mary Foy  
Grace Kwan Hung Choi  
Gurmukh Reehal  
Habib Salem Dardouri  
Han & Woo Kang  
Hang Kin Tsang  
Hannah Elizabeth Robinson  
Hardev Sian & Bakshish Sian  
Heung Wong & Sau Kuen Cecilia Man  
Hongwei Wang & Mrs Jihau Xiang  
Iain Thomas Disney  
Irfan Chauhan  
Irish UK LLC

Jack Lawton  
Jacob Eastwood  
James Daniel Ormerod Booth  
James David Curtis  
Jamie Cunliffe  
Jamie Harrison  
Jason & Peter J Nevitt  
Jayesh Nayee & Meeta Nayee  
Jennifer Osbourne  
Jialu Wang  
Joan Patricia Kiernan  
Joanne Chan  
Joanne Lund  
John Charles Impey  
John Fagan Williams  
John Lee Guy  
John Peter Kiernan  
John Richard Webberley  
John Robert Holmes & Karen Louise Holmes  
John Rockett & Beverley Jayne Rockett  
John Walmsley & Daniel Lee Baker  
Jonathan Clark  
Jonathan David Sharples  
Jonathan Swan  
Jonathon Lee Willett & Alexander Bowery Evans  
Joseph Fernandes  
Joshua Iza Brown  
Julian N Moorbath  
Julian Robert Nield & Diane Alison Nield  
Julie English  
Kapukai Investments Ltd  
Karen Lesley Flint  
Kefeng Zhang & Hui Zhang  
Kenyon Thompson Ltd  
Khaled Al-Sacid  
Khalid Jassim Abdulla Althawadi  
Kin Kwong Wong  
Kris Andrew Donohue  
Laura Rose Fowler & Michael James Harrison  
Lee Eccles  
LLC Blue Irvine  
London & Kent Building Service Ltd  
Lucinda Jane Longster  
Luke Alexander Overton  
Luke Smetherham  
M & H Properties Ltd

Mahbub Zaman  
Maria Duggal & Olivia Duggal  
Marie Sleigh  
Mark Andrew Wherrett  
Mark Burgess & Nicola Tombling  
Mark Kerins  
Mark P Forster & Anneka K Burnett  
Martin Jordan & Jillian Peta Jordan  
Martin Lloyd Copeland & Gemma Anne Copeland  
Matthew Edward Hamilton Tinning  
Matthew Lyons  
Michael Cox & Sharon Ingman  
Michael Malone  
Michael Page & Alessandra Sorrentino  
Michael Richard Barnes  
Michael Zhi Wong  
Michal Bernas  
Miss C Adikaram  
Miss Rachel Harvey  
Mohamed Ajmal  
Mohamed Amr Aly Gamaleldin Hassanein  
Mohammed Azam Khan & Shams Shaheen Azam  
Mohammed Mughal  
Mohammed Owolabi  
Mohammed Yusuf  
Montserrat Palau  
Morgan Donnellan  
Mostafa Ahmad Bahaa Elahwal  
Mr & Mrs C Heaton  
Mr & Mrs C Tao  
Mr & Mrs S Bodla  
Mr A & Mrs S M Fender  
Mr A Chierici  
Mr A Devine  
Mr A J & Mrs E W Lane  
Mr B & Mrs G Mitton  
Mr B Spearing  
Mr C J X Colaco  
Mr Chaitanya Mangla  
Mr D Hawley  
Mr D Maxwell  
Mr D P & Mrs V Blackburn  
Mr D Roberts  
Mr E McLoughney  
Mr F Shum  
Mr G Hunt



Mr G S & Mrs C S Daw  
Mr Ghauri  
Mr Isra Hussain  
Mr J A & Mrs R J Annand  
Mr J Impey  
Mr J Moore  
Mr J P Muff & Ms D E Beamish  
Mr M Antoniou  
Mr M B Mirza  
Mr M Mirza  
Mr Matthew James Street  
Mr Mohammed Maqsood  
Mr N J Dawson & Mrs E M Dawson  
Mr Patel  
Mr Philip Welch & Mrs Raechel Welch  
Mr Quan Gan  
Mr R Jiskoot  
Mr Rami Mahmoud  
Mr S Hussain  
Mr S J Best & Mrs D M Best  
Mr S Whittle  
Mr Tsz Kit Ieong  
Mr Yiming Xu  
Mrs J Calenti  
Mrs J English  
Mrs M Hanley  
Mrs Nila Patel  
Mrs S Khan  
Mrs Shabina Akhtar  
Ms C A Haslam  
Ms C Whittlestone  
Ms Hema Odedra  
Ms I Ling  
Ms J R O'Callaghan  
Ms M Kevorkian  
Ms N Brook  
Ms N Brown  
Ms Pamela Lockett  
Ms S Barker  
Ms S Hassan  
Ms S Humphreys  
Ms S L Humphreys  
Ms S Younus  
Muhammed Aitmad-Ur-Rab  
Myles Oliver Martin & Georgia Mary Cotter  
Nadeem Mohammad Agha & Nadiya Agha

Naomi Elizabeth Brook  
Nasar Mohmood Malik & Neelofar Malik  
Natalie Brown  
Neil Mouatt & Linda Mouatt  
Niteenkuman Samji  
Nozomi Fukazawa & Pui Yan Crystal Lau  
Owais Sharif & Uzma Owais  
P Murthy & K L Murthy  
Padraic Kiernan  
Patrick O'Reilly  
Paul Adam Stewart  
Paul James Russell & Dale Andrew Goode  
Paul Lode Albert Popelier  
Peter D Girling  
Peter James Collier  
Peter Laurie Robertson  
Peter Neville Smith & Ilona Claire Spencer-Smith  
Peter Robertson  
Philiip Hutchinson  
Philip Peter Clegg  
Praveen Kumar Maddula  
Pritesh Ishverbhai Patel  
R T Williams, J W Williams & S Peterson  
Ramesh Virji Patel  
Raymond Cooper & Tina Clinton  
Raymond Leech & Sandra Leech  
Richard David Sinclair Clarke  
Richard Peter Fields  
Robert Roczynski  
Rohir Sood & Nisha Shah  
Roman Kislov  
Rosey Sethi  
Ross Alexander Jones  
Saira Akhter Khan  
Saleem Shexad Khan  
Salma Jabeen Younus  
Sam O'Dongo  
Samuel Horsley  
Sandra Leech & Raymond Leech  
Sean Cleaver  
Seema Khurana  
Shazia Azeem Sarwar & Nadia Sarwar  
Shazli Azmi & Omair Razzaq  
Shireen Sadreddini  
Shivji Ramji Varsani  
Shofiqul Razak

Shohreh Khorassani & Shameen Khorassani  
Simon Adam Mobey  
Simon Higginson  
Simon Whittle  
Sophie Alice Anderson  
Stephanie Davies  
Stephanie Hannington-Suen  
Stephen Gerard Farrelly  
Stephen Hancock & Alan Mildren  
Stephen Marshall & Vikki S Marshall  
Steven John Dugdale  
Sunilkumar Harish Bhatt  
Suresh Hirani  
Susan Anisa Younis  
Suzanne Barker  
T S Mithran  
Tariq Mahmood Hussain  
Tat Cheong Raymond Fung  
Thea Elisabeth Lee  
Thomas David Woodward & Anne Marie  
Woodward  
Thomas Harrison & Antony Harrison  
Thomas Kinsey  
Timothy Peter Hoggard & Belinda Nora Hoggard  
Ting Li Chan  
Vasu Naidu Bonda  
Vinay Mathur & Sadhana Mathur  
Virendra Puri & Vyom Puri & Shivani Puri  
Vladimir Kadochnikov & Larisa Kadochnikov  
Vy Tran  
Wai Fong Serin Lau  
Wai Kuen Bonnie Cheuk  
Wai Yung  
William Lowe & Julie Carter-Lowe  
Xijun Liu  
Yashar Properties Ltd  
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Yuen Shan Lui  
Yuk Leung Fu  
Zachary Samuel Mendelsohn  
Zafar Rashid Kussar  
Zeshi Wang & Xiao Yu  
Zubair Hussain