

**Y TRIBIWNLYS EIDDO PRESWYL**  
**RESIDENTIAL PROPERTY TRIBUNAL**  
**LEASEHOLD VALUATION TRIBUNAL**

Reference: LVT/0051/02/26

In the Matter of premises at Century Court, Taffs Mead Embankment, Cardiff, CF11 6RL

In the matter of an Application under Section 20ZA of the Landlord and Tenant Act 1985

**Applicant:** Century Court RTM Company Limited

**Respondent:** Leaseholders of: Century Court,  
Taffs Mead Embankment, Cardiff

Tribunal Panel      A R Phillips – Chair  
                             T W Jones – Surveyor Member  
                             C Calvin-Thomas – Lay Member

**DECISION**

Compliance with the consultation requirements of section 20 of the Landlord and Tenant Act 1985 (the “Act”) is dispensed with in relation to works comprising an upgrade to the fire alarm system to comply with the requirements of a Simultaneous Evacuation Policy.

**REASONS**

**Background**

1. An application dated 04/02/2026 was made to the Residential Property Tribunal (“the Tribunal”) under section 20ZA of the Landlord and Tenant Act 1985 (“the Act”) for dispensation from compliance with the consultation requirements of section 20 of the Act. Those requirements (“the consultation requirements”) are set out in The Service Charges (Consultation Requirements) (Wales) Regulations 2004 (“the Regulations”).
2. The application relates to Century Court, Taffs Mead Embankment, Cardiff CF11 6RL (“the Property”) and was made by Century Court RTM Company Limited (“the Applicant”).
3. The Respondents to the application are the Leaseholder Tenants of Century Court, Taffs Mead Embankment, Cardiff.

4. The only issue for the Tribunal to determine is whether it is reasonable to dispense with the consultation requirements.
5. The works in respect of which a dispensation is sought concern an upgrade to the fire alarm system (“the Works”) following the attendance of the South Wales Fire & Rescue Service Fire Service (“the Fire Service”) and documentation for Century Court being reviewed by the Fire Service.
6. The Fire Service had significant concerns about the safety of the Property in the event of the fire and had considered the serving of a Prohibition Notice under Article 31 of the Regulatory Reform (Fire Safety) Order 2005 (the Fire Safety Order) prohibiting the use of the Property as residential accommodation.
7. To prevent this, it was agreed that the following arrangements would be put in place as set out in an email from Chris Smart of the Fire Service dated 23/01/2026:
  - a) Simultaneous evacuation 24/7 facilitated by fully trained waking watch (The NFCC guidance states that the number of personnel required should be illustrated within the Fire Risk Assessment).*
  - b) These temporary arrangements must be communicated to residents*
  - c) Steps must be taken to ensure that there is working smoke detection in each flat.*
8. As a result of the concerns of the Fire Service it was deemed necessary to change the evacuation policy from Stay Put to Simultaneous Evacuation and to carry out the Works.
9. On 10/03/2026 the Tribunal issued directions. It recorded that none of the leaseholders had applied to be joined as Respondents to this application nor responded to the Tribunal. The Tribunal informed the parties that, unless it was notified that any party required an oral hearing to be arranged, the application would be determined upon consideration of written submissions and documentary evidence only. No such notification was received, and the Tribunal accordingly convened in the absence of the parties to determine the application.
10. No submissions were received from the Respondents.
11. The Tribunal met remotely at 10.00am on 13/05/2026 to consider the evidence before it. No other participants attended. An inspection was not considered necessary.

### **Grounds for the application**

12. The Applicant seeks dispensation from the consultation requirements and submits a summary of the reasons contained in the Application Form completed by Mr I Thomas dated 04/02/2026 and in his Statement of Truth dated 12/03/2026.

13. Extracts from the Application Form are set out as follows:

*“The building evacuation policy needed to be changed to Simultaneous Evacuation, currently waking watch in place costing £470.40 a day. Once the fire alarm is upgraded waking watch can be removed. This is in order to save money for leaseholders”.*

*“The works proposed are to upgrade the fire alarm into each flat in order to comply with the requirements of Simultaneous Evacuation, which needed to be changed due to concerns over compartmentation”.*

*“We are seeking dispensation due to daily costs of waking watch, should a full consultation be carried out it would cost roughly £40,000 in waking watch costs”.*

14. The Statement including a Statement of Truth is set out as follows:

*“Following the attendance of the Fire Service and documentation for Century Court being reviewed by the Fire Risk Assessor, it was deemed necessary to change the evacuation policy from Stay Put to Simultaneous Evacuation. Waking Watch was introduced at the cost of £470.40 a day, which meant significant costs to leaseholders. Due to these costs, we sourced 3 quotations for the fire alarm system to be upgraded. We carried out a consultation with leaseholders whereby we gave them 5 days to review the information supplied and to come back with any objections to the works. No objections were received and the works were instructed”.*

## **Law**

15. Section 18 of the Act defines what is meant by “service charge”. It also defines the expression “relevant costs” as:

*the costs or estimated costs incurred or to be incurred by or on behalf of the landlord, or a superior landlord, in connection with the matters for which the service charge is payable.*

16. Section 19 of the Act limits the amount of any relevant costs which may be included in a service charge to costs which are reasonably incurred, and section 20(1) provides:

*Where this section applies to any qualifying works ... the relevant contributions of tenants are limited ... unless the consultation requirements have been either–  
(a) complied with in relation to the works ... or  
(b) dispensed with in relation to the works ... by the appropriate tribunal.*

17. “Qualifying works” for this purpose are works on a building or any other premises (section 20ZA(2) of the Act), and section 20 applies to qualifying works if relevant costs incurred on carrying out the works exceed an amount which results in the relevant contribution of any tenant being more than £250.00 (section 20(3)) of the Act.

18. Section 20ZA(1) of the Act provides:

*Where an application is made to the appropriate tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works ... the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.*

19. Reference should be made to the Regulations themselves for full details of the applicable consultation requirements. In outline, however, they require a landlord to:

- *give written notice of its intention to carry out qualifying works, inviting leaseholders to make observations and to nominate contractors from whom an estimate for carrying out the works should be sought;*
- *obtain estimates for carrying out the works, and supply leaseholders with a statement setting out, as regards at least two of those estimates, the amount specified as the estimated cost of the proposed works, together with a summary of any initial observations made by leaseholders;*
- *make all the estimates available for inspection; invite leaseholders to make observations about them; and then to have regard to those observations;*
- *give written notice to the leaseholders within 21 days of entering into a contract for the works explaining why the contract was awarded to the preferred bidder if that is not the person who submitted the lowest estimate.*

## **Decision and Conclusions**

20. The Tribunal must decide whether it is reasonable for the works to go ahead without first complying with the consultation requirements. Those consultation requirements provide for a degree of transparency and accountability when a landlord decides to undertake qualifying works. The requirements ensure that leaseholders have the opportunity to know about, and to comment on, plans to carry out major works, usually before those decisions are taken. It is reasonable that the consultation requirements should be complied with unless there are good reasons for dispensing with all or any of them on the facts of a particular case.

21. Therefore, in order to dispense with the consultation requirements, the Tribunal needs to be provided with a good reason why the works cannot be delayed until the requirements have been complied with. It is for the Tribunal to weigh the balance of prejudice between the need for swift remedial action to ensure that the safe condition of the Property did not deteriorate further and the legitimate interests of the leaseholders is being properly consulted.

22. The Tribunal must consider whether this balance favours permitting the works to have been undertaken without consultation, or whether it favours prior consultation in the usual way. The balance is likely to be in favour of dispensation in a case in

which there is an urgent need for remedial or preventative action, or where all the leaseholder's consent to the grant of a dispensation.

23. In this case, given the urgent need to move to a Simultaneous Evacuation policy and to carry out the Works to facilitate this, the lack of any objections from the leaseholders and the significant cost and financial prejudice to the leaseholders if the dispensation is refused, the balance is clearly in favour of the Applicant.
24. In the circumstances, the Tribunal is satisfied that it is reasonable to dispense with the consultation requirements. However, none of the parties should take this as an indication that the Tribunal views the amount of the anticipated service charges resulting from the works likely to be reasonable; or, indeed, that such charges will be payable by the Respondents. The Tribunal makes no findings in that regard.

Dated this 18<sup>th</sup> day of May 2026

AR Phillips  
Tribunal Judge