



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

**Case reference** : **LON/00AW/LDC/2025/0799**

**Property** : **26 Palace Gardens Terrace, London,  
W8 4RP**

**Applicant** : **George Shaw (as Executor of the Estate  
of Ronald Charles Anthony Shaw)**

**Representative** : **Anthem Management Ltd**

**Respondents** : **Lain Ritchie Stuart Callaghan and Mary  
Elizabeth Callaghan (Flat 1)  
Ms C S & Mr M J Haas (Flats 2 and 3)  
Ms N G Ellis (Flat 4)  
Ms Oriane Millet (Flat 5)  
Mr S Laviers (Flat 6)**

**Type of application** : **Dispensation with Consultation  
Requirements under section 20ZA  
Landlord and Tenant Act 1985**

**Tribunal member** : **Judge Robert Latham**

**Venue** : **10 Alfred Place, London WC1E 7LR**

**Date of decision** : **15 September 2025**

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**DECISION**

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The Tribunal grants this application to dispense retrospectively with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 without condition in respect of urgent roof repair works.

## **The Application**

1. By an application, dated 15 July 2025, the Applicant applies for dispensation from the statutory duty to consult in respect of roof repair works.
2. 26 Palace Gardens Terrace is a mid-terrace residential property located in London W8. There are six flats over five storeys. The building has a lead-covered roof structure over timber supports, with roof-mounted water tanks situated above the top floor flat. A recent inspection revealed that part of the roof was currently being propped up by an acrow support due to failing and split roof timbers. The structural condition has rendered the roof unsafe for access, with significant ponding observed and areas showing signs of deflection. A tank cupboard had been built over the area requiring structural repair, further complicating access and works. Core sampling during inspection confirmed a build-up of close boarding with 18mm plywood and dry substrate in the tested area, although full sampling was restricted due to safety risks on the roof.
3. The works involve the safe removal of roof-mounted water tanks, roof strengthening, and the design and installation of a new pumped water supply system. These measures are necessary due to the fragile condition of the existing roof structure. The timber structure is visibly split and deflected, and the roof is deemed unsafe for access without edge protection or scaffolding. A large tank cupboard situated over the affected area further complicates access. The top floor flat beneath the tanks is currently uninhabitable due to these structural safety concerns. Initial inspections and design proposals began in late 2024.
4. The Applicant has notified the leaseholders of the proposed works. The cost of the works is not currently known. Current available reserves (£8,500) and sinking funds (£8,000) may be insufficient to cover the full costs, and additional contributions are likely to be necessary. On 19 August 2025, scaffolding was erected to enable the Applicant to assess the scope of the works that may be required.
5. On 31 July 2025, the Tribunal issued Directions. The Directions stated that the Tribunal would determine the application on the papers, unless any party requested an oral hearing. No party has done so.
6. By 8 August 2025, the Applicant was directed to send to the leaseholders by email, hand delivery or first-class post: (i) copies of the application form (excluding any list of respondents' names and addresses) unless already sent by the applicant to the leaseholder/sublessee; (ii) if not already provided in the application, a brief statement to explain the reasons for the application; and (iii) the directions. The Applicant was further directed to display a copy of these in a prominent place in the common parts of the property. On 6 August, the Applicant confirmed that it had complied with this Direction.

7. By 22 August 2025, any leaseholder who opposed the application was directed to complete a Reply Form which was attached to the Directions and send it both to the Tribunal and to the Applicant. The leaseholder was further directed to send the Applicant a statement in response to the application. No leaseholder has returned a completed Reply Form opposing the application.
8. The Applicant has provided a Bundle of Documents (86 pages) in support of the application. The Applicant has also provided a copy of the lease for Flat 6.
9. 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 or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.”
10. **The only issue which this Tribunal has been required to determine is whether or not it is reasonable to dispense with the statutory consultation requirements. This application does not concern the issue of whether any service charge costs will be reasonable or payable.**
11. The Tribunal is satisfied that it is reasonable to grant retrospective dispensation from the statutory consultation requirements. This is justified by the urgent need for the works. There is no suggestion that any prejudice has arisen. In the circumstances, it is appropriate to grant dispensation without any conditions.
12. The Directions make provision for the service of the Tribunal’s decision. The Tribunal will email a copy of its decision to the Applicant. The Applicant is responsible for serving a copy of the Tribunal’s decision on the Respondents.

**Judge Robert Latham**  
**15 September 2025**

### **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 **by e-mail** 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).