



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

Case reference : **LON/00BE/LDC/2026/0010**

Property : **Flats 1-9 Tessa Apartments, 117 East
Dulwich Grove, London, SE22 8PU**

Applicant : **Orchard East Dulwich Grove Ltd**

Representative : **Stephen Wiles, Prime Property
Management**

Respondents : **The leaseholders at Tessa Apartments**

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

Tribunal member : **Judge Robert Latham
Fiona Macleod MCIEH**

**Date and Venue
Of Hearing** : **22 May 2026 (online) at
10 Alfred Place, London WC1E 7LR**

Date of decision : **22 May 2026**

DECISION

1. The Tribunal consents to the Applicant withdrawing their application pursuant to rule 22 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013.
2. The Tribunal makes an order pursuant to section 20C of the Landlord and Tenant Act 1985, so that none of the landlord's costs of the tribunal proceedings (including any tribunal fees) may be passed to the leaseholders through any service charge.

The Application

1. By an application, dated 5 January 2026, the Applicant applied for dispensation from the statutory duty to consult in respect of qualifying works namely the installation of 5 new pumps at pumping station. The Applicant stated that the fresh-water pumps serving the building were currently out of service, and urgent works were required to install replacement pumps. Due to the ongoing severe weather and persistent rainfall, these works could not reasonably be delayed
2. On 25 February 2026, the Tribunal gave Directions. Three leaseholders have opposed the application, namely Fei Yang (Flat 1), Jack Palfreemenn (Flat 2), and Daniel Tesmer and Lucie Bastard (Flat 9). The leaseholders requested an oral hearing. The Applicant provided a Bundle of Documents to which reference is made in this decision.

The Hearing

3. The following attended on behalf of the Applicant, all of whom are employed by the managing agents, Prime Property Management: Mr Stephen Wiles (a director who presented the Applicant's case); Ms Katie Jones (the property manager who provided a witness statement at p.67-70), Ms Aisha Hoskins (Head of Major Works) and Ms Anna Nicolaou (Prime Legal).
4. The following tenants attended: Ms Fei Yang and Ms Lucie Bastard.

Reasons for our Determination

5. The qualifying works for which the Applicant seeks dispensation is for the installation of five new pumps at the pumping station. Willow Pumps (p.74-75) provided a quotation of £2,730 (inc VAT) to replace the five pumps. The quotation is dated 4 November 2025. However, the Tribunal was told that this date was wrong. On 3 December 2025, HSO had provided a quotation of £3,115.20. The Applicant decided to accept the lower quote.
6. Tessa Apartments is a purpose built block of flats. Flats 1, 2, 3 and 4 are on the ground floor. They have been subjected to flooding. There are six pumps whose purpose is to extract the excess ground water. The Applicant retains possession of Flats 3 and 4. These are let under assured tenancies.
7. It became apparent at the hearing that the qualifying works have not and will not be executed. Despite their quotation, Willow Pumps have been able to source the five pumps required. On 2 April 2026, Willow Pumps attended the Property and advised that replacement pumps could not be installed because the existing chambers were too small to accommodate

the newer replacement models. Willow Pumps subsequently confirmed that the original pumps installed at the Property were obsolete and no longer available from manufacturers or suppliers. Willow Pumps advised that although the replacement pumps met the required operational specification, they were larger in size due to updated designs and chamber modification works would therefore be necessary before installation could proceed. During the same attendance, CCTV investigations identified additional drainage defects, including scale build-up, a potentially collapsed drain section and displaced joints requiring further investigation and remedial works.

8. On 11 May 2026, Willow Pumps confirmed that extensive investigations had been undertaken with suppliers and manufacturers and that no compliant smaller pump alternative could be sourced. The proposed solution would be "a long-term resolution to the issues affecting the Property". Mr Wiles was unable to provide details of what works are now proposed.
9. It is now apparent that the quotation provided by Willow Pumps is worthless. They are unable to source the 5 new pumps which they agreed to install at a cost of £2,730.
10. The Applicant is now back at Stage 1. It needs to take professional advice as to what works are now required to address the problems of the excess ground water. Mr Wiles agreed that the Applicant should serve a Stage 1 Notice of Intention to consult the leaseholders on the new scope of the works. This will provide the leaseholders with the opportunity to make representations on the proposed works and to nominate a contractor from whom a quotation should be sought. It would then be for the Applicant to go out to tender and seek to secure best value.
11. In these circumstances, Mr Wiles agreed that it would be appropriate to withdraw this application. The Tribunal is making no finding in respect of the payability or reasonableness of any investigative works which may be passed on through the service charge. The likelihood is that the cost of the "long-term resolution" will now be the greater because of the practical problems that have been identified.
12. Ms Yang complained of discrimination. The landlord had executed works to Flats 3 and 4, but these did not extend to Flats 1 and 2. The Tribunal is satisfied that there is no substance to this complaint. The landlord executed these works in response to a statutory intervening by the local housing authority. This action was only taken because the flats were occupied by assured tenants. The cost of these works is not to be passed on to the leaseholders through the service charges.
13. The Tribunal is further satisfied that it is appropriate to make an order pursuant to section 20C of the Landlord and Tenant Act 1985. The Tribunal was concerned with the lack of candour provided by the

Applicant in the Notice of Intention, dated 9 December 2025 (at p.71-73), the application form (at p.2-11) and in the bundle provided for the hearing. This tribunal gives a high priority to any emergency application for dispensation. It beholds an applicant to provide full disclosure of all relevant facts and documents.

14. The Directions make provision for the service of the Tribunal's decision. The Tribunal will email a copy of its decision to the Applicant and to the three leaseholders who have opposed the application. The Applicant is responsible for serving a copy of the Tribunal's decision on the other Respondents.

**Judge Robert Latham,
22 May 2026**

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).