



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

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| Case Reference | : | LON/00AB/HIN/2017/0020 |
| Property | : | 494 Goresbrook Road, Dagenham, Essex RM9 4XA |
| Applicants | : | Mr Syed Adil Hussain Shah |
| Representative | : | In person |
| Respondent | : | London Borough of Barking & Dagenham |
| Representative | : | Mr Adam Rulewski (In house lawyer) |
| Type of Application | : | Housing Act 2004: Appeal against Improvement Notice |
| Tribunal Members | : | Judge Robert Latham Miss Marina Krisko (Est Man) FRICS |
| Date and venue of Hearing | : | 21 February 2018 at 10 Alfred Place, London WC1E 7LR |
| Date of Decision | : | 23 February 2018 |

DECISION

- (1) The Tribunal allows the appeal and quashes (i) the improvement notice dated 20 October 2017 and (ii) the demand for payment of £500, namely the expenses incurred by the Respondent in serving the notice.

- (2) The Tribunal determines that the Respondent shall pay the Applicants £300 within 28 days of this Decision, in respect of the reimbursement of the tribunal fees paid by the Applicant.

Reasons for the Decision

1. On 31 October 2017, Mr Shah issued an appeal against an Improvement Notice, dated 20 October 2017, served by the London Borough of Barking and Dagenham, the Respondent, in respect of the property at 494 Goresbrook Road, Dagenham, RM9 4XA. The Notice identified four Category 2 hazards.
2. At the hearing of the appeal, Mr Shah stated that he had now abated the hazards by executing the following works:
 - (i) the damp and mould has been removed. This is an internal wall and the cause of the dampness was identified as a leak under the sink, rather than rising damp.
 - (ii) the leak under the sink has been remedied.
 - (iii) a new double glazed door has been fitted in the kitchen;
 - (iv) filling has been applied around the windows to abate the draughts;
 - (v) The trickle vents have been renewed/repaired;
 - (vi) the door handles have been replaced.
3. The Respondent accepted that the exposed piping for the central heating system would not constitute a Category 2 hazard.
4. The appeal would be by way of rehearing. The Tribunal would need to consider whether any Hazards existed at the date of the hearing. The Respondent has not inspected the property since last October. Mr Rulewski realistically accepted that in the light of Mr Shah's evidence, he could not oppose the appeal. He further accepted that the Respondent could not oppose the appeal in respect of the the demand for payment of £500, namely the expenses incurred by the Respondent in serving the notice.
5. Mr Shah has paid tribunal fees of £300. He sought a refund of these fees. Mr Rulewski did not oppose this application in the light of the outcome in respect of the appeal.

6. The Tribunal is grateful for the realistic approach adopted by both parties. Mr Rulewski stated that the Respondent would be re-inspecting the property to satisfy itself that no Hazards exist.

Judge Robert Latham

23 February 2018

RIGHTS OF APPEAL

1. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) then a written application for permission must be made to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. 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.
3. 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.
4. 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.