



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

HMCTS code (audio, video, paper) : V: CVPREMOTE

Case reference : CAM/00KG/HNA/2020/0021

**Property : 70 Draper Close,
West Thurrock
Grays
RM20 4BJ.**

Applicant : Griffin Residential Lettings Ltd

Representative : Mr Damian Falkowski of Counsel

Respondent : Thurrock Council

Representative : Mr John McNally of Counsel

Date of Application : 7 July 2020

**Type of application : Appeal against financial penalty,
pursuant to s.249A and Sch.13A to the
Housing Act 2004,**

**The Tribunal : Tribunal Judge S Evans
Mrs Alison Flynn MA MRICS**

**Date/ place of hearing : 3 December 2020,
By cloud video platform**

Date of decision : 3 December 2020

DECISION

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Pursuant to rule 35(1) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the Tribunal considers it appropriate, at the request of the parties, to make a consent order in terms set out below.

Covid-19 pandemic: description of hearing

This has been a remote video hearing which was not objected to by the parties. The form of remote hearing was V: CVPREMOTE. A face-to-face hearing was not held because it was not practicable and all issues could be determined in a remote hearing. The documents before us were in 2 paginated bundles of 226 and 186 pages, and 2 skeleton arguments, the contents of which we had read in full in advance of the hearing.

REASONS

Introduction

1. By its application the Applicant appealed against the imposition of a financial penalty of £9000 imposed by the Respondent in respect of an offence under s.72(1) of the Housing Act 2004.

The Hearing

2. The Tribunal was informed shortly before the hearing that the parties had reached agreement, for which they are to be commended.
3. During the hearing the parties were invited to agree, and did agree, a minor amendment to their draft order to reflect that the appeal was being allowed in part only (as to penalty).
4. Pursuant to rule 35 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the Tribunal considers it appropriate, at the request of the parties, to make a consent order in the following terms:

“Upon hearing from the Appellant’s Counsel and Counsel for the Respondent

AND

Upon the Appellant’s appeal, pursuant to Sch 13A of the Housing Act 2004, against a financial penalty imposed pursuant to section 249A of the Housing Act 2004, in relation to 70, Draper Close, of which the Appellant had control or management

AND

Upon the parties, pursuant to the Directions issued on 3 August 2020, having settled the dispute and agreeing that the penalty of £9,000 (nine thousand pounds) should be amended to a penalty of £3,000 (three thousand pounds) [‘the amended amount’]

AND

Upon the Appellant agreeing to an order being made in that revised amount

1. *The appeal is allowed in part and determined as recorded above.”*

Name: Tribunal Judge S Evans

Date: 3 December 2020.

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 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).