



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

Case reference : **LON/00BK/HIN/2018/0011**

Property : **39B, Warwick Avenue, London W9
2PR**

Applicant : **Molara Solanke**

Representative : **In person**

Respondent : **City of Westminster**

Representative : **Mr T Withams Environmental
Health Enforcement Officer with
the Council**

Type of application : **Appeal in respect of an
Improvement Notice: Sections 11
and/or 12 and paragraphs 10-12 of
Schedule 1 to the Housing Act 2004.**

Tribunal : **Tribunal Judge Dutton
Mr T W Sennett MA FCIEH**

Date and venue : **7th September 2018 at 10 Alfred
Place, London WC1E 7LR**

DECISION

As a result of the non-attendance of the Applicant at the hearing on 7th September 2018 the Tribunal dismisses the Appeal against an Improvement Notice issued by Westminster City Council dated 19th April 2018 under sections 11 and 12 of the Housing Act 2004 (the Act). The Tribunal finds that the demand for reasonable expenses in the sum of £228 is payable under the provisions of s49 of the Act.

BACKGROUND

1. The Applicant, Ms Molar Solanke, made application to the Tribunal seeking to challenge the issue of an Improvement Notice by the City of Westminster (the Council) dated 19th April 2018. The Improvement Notice followed a Hazard Awareness Notice, which had been issued by the Council dated 23rd February 2018. This Notice had been ignored by the Applicant.
2. The Improvement Notice referred to two Category One Hazards and some additional Category Two Hazards, one of which related to the mezzanine level, which was used for sleeping.
3. The Applicant had submitted a statement of case in which she asked us to make an award against the resident tenant, Lina Lui, in respect of the alleged rent arrears said to be over £28,000, or 24 months worth. This is not within our jurisdiction, although we do express extreme surprise that the Applicant has allowed this level of arrears to accrue.
4. The matter was listed for hearing on 7th September 2018 and we are satisfied that the Applicant was aware of this date. Indeed she had indicated she would be attending. The case worker attempted to contact her on three occasions but her phone went to message each time. We waited until 10.30 in the hope that the Applicant would attend, but she did not.
5. Accordingly we considered that there being no contact from the Applicant to explain her non-attendance, and in the light of the attendance of Mr Withams for the Council, that the appropriate course of action was to dismiss the appeal.
6. At the hearing we did discuss with Mr Withams a possible way forward in respect of the mezzanine level. It is for the Applicant to contact the Council in this regard. Unless and until she does and can reach agreement with the Council the Improvement Notice remains in place in its entirety.
7. The suggestion which we put to Mr Withams and which he did not dismiss, is the possibility of lowering a section of the mezzanine level by 0.7 metre to give a head height of 2m immediately adjacent to the head of the stairs. This would seem to be feasible considering the photographs in the Council's bundle. It will also have the benefit of shortening the length of the steep stairs which afford access to this level. However, this is only a suggestion and something that the Applicant will have to explore with the Council.
8. We also find that the fee of £288 is reasonable and is payable under the provisions of s49 of the Housing Act 2004. It should be settled within 28 days.

Andrew Dutton

Tribunal Judge Dutton

7th September 2018

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).