



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

Case reference : **LON/00BA/HIN/2015/0013**

Property : **2 Parkside House, High Street,
Wimbledon, London SW19 5AY**

Applicant : **First Move Properties Limited**

Representative : **Marks Miller & Co**

Respondent : **London Borough of Merton**

Representative : **C. Wildman - Private Sector
Housing Team**

Interested person : **Clearwater Parkside Limited**

Type of application : **Appeal in respect of an
improvement notice**

Tribunal member(s) : **Judge Timothy Powell**

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

Date of decision : **24 June 2015**

DECISION

Background:

1. On 3 June 2015, the tribunal received an appeal by the applicant, First Move Properties Limited, against an improvement notice dated 14 May 2015, served by Merton council under section 12 of the Housing Act 2004. The notice was served in respect of alleged hazards at 2 Parkside House, High Street, Wimbledon, London SW19 5AY (“the property”).
2. Directions were given on 8 June 2015 for the determination of the appeal. By letter dated 18 June 2015, the council stated that it “does not intend to contest the appeal” as the improvement notice “contained some technical errors rendering it invalid.”
3. While the council remains of the opinion that hazards are still present in the property and intends to serve a fresh improvement notice, the council “wishes to abandon its reliance on the [current] notice, consents to the appeal and asks for the notice to be quashed.”
4. A copy of the council’s letter had been sent to all parties.

The tribunal’s decision

5. The tribunal determines that:
 - (i) the appeal is allowed;
 - (ii) the improvement notice dated 14 May 2015 is quashed; and
 - (iii) the council shall within 21 days refund £155 to the applicant for the tribunal fees paid in respect of the appeal.

Reasons for the decision:

6. The council has conceded that the current improvement notice is invalid. As a result, the council has indicated an intention not to contest the appeal and has asked for the improvement notice to be quashed; and in the circumstances I agree to take this step.
7. In the light of the above decisions, it appears reasonable to me to order the council to reimburse the £155 fees paid by the applicant, pursuant to my powers under rule 13(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013.

Name: Judge Powell

Date: 24 June 2015