



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

Case Reference : **MAN/00FA/HIR/2020/0002**

Property : **3 Fairmount Avenue, De La Pole
Avenue, Hull, HU3 6RT**

Applicants : **Ajay Ahuja**

Respondent : **Hull City Council**

Type of Application : **Housing Act 2004-Schedule 1,
Paragraph 13(1)(b)**

Tribunal Members : **Judge J. E. Oliver
Tribunal Member J. A. Jacobs**

**Date of
Determination** : **16 July 2020**

Date of Decision : **22 July 2020**

DECISION

Decision

1. The Improvement Notices dated 27 January 2020 specifying both Category 1 and 2 hazards at 3 Fairmont Avenue, De La Pole Avenue, Hull are confirmed.
2. The work required in the Improvement Notice for the Category 1 hazards is to commence within 28 days of the service of this decision upon the parties and is to be completed 30 days thereafter.
3. The work required in the Improvement Notice for the Category 2 hazards is to commence within 28 days of the service of this decision upon the parties and is to be completed within 60 days.

Background

4. This is an appeal, dated 12 February 2020, by Mr Ajay Ahuja (“Mr Ahuja”) in respect of Improvement Notices dated and served on 27 January 2020 relating to 3 Fairmont Avenue, De La Pole Avenue, Hull (“the Property”).
5. The Respondent to the application is Hull City Council (“the Council”).
6. The Improvement Notices state there are both Category 1 and 2 hazards existing at the Property.
7. On 7 April 2020 directions were issued providing for both parties to file their statements and documents in support and thereafter for the matter to be listed for determination on paper, unless either party requested a hearing.
8. The application was listed for a paper determination on 16 July 2020.
9. The documents referred to in this decision are those contained in the papers submitted by the parties to the Tribunal.
10. The Tribunal did not undertake an inspection of the Property; it was not necessary for the determination of the appeal.

Submissions

11. Mr Ahuja’s statement to the Tribunal advised he had notified the Council, on 28 January 2020, that he had sold the Property, subject to contract. Further, the tenant of the Property “makes it difficult to get access”.
12. Mr Ahuja submitted that, since the Property had been sold, the Improvement Notice should be revoked upon the basis it was the concern of the new owner.

13. The Council filed a statement in response to the application, setting out their history of involvement with the Property. It was said the tenant of the Property had contacted the Council on 5 December 2019, complaining of its condition, within only 3 days of moving in. Paula Farrar, an Enforcement Officer, visited the Property on 16 December 2019, having informed Mr Ahuja of her intention to do so.
14. At the inspection Miss Farrar found both Category 1 and 2 hazards including excess cold, food safety, damp and mould, fire, falling between levels, domestic hygiene and collision and entrapment.
15. The Council provided the Tribunal with photographs and the Hazard Summary. In her statement Miss Farrar said:

“The Property should never have been let in that condition”.
16. Miss Farrar added that, as at 2 April 2020, the Property remained in the ownership of Mr Ahuja and none of the required works had been carried out.

Determination

17. The Tribunal, having considered the submissions made by both parties, determined the Improvement Notices are confirmed.
18. The Tribunal noted Mr Ahuja had not provided any submissions or evidence to say the work required by the Notices was not necessary. His argument was simply that the Property had been sold, subject to contract.
19. Mr Ahuja did not provide the Tribunal with any information regarding the potential buyer, nor any evidence that the proposed sale has been completed.
20. The Tribunal is satisfied, from the Council’s evidence that the Improvement Notices have been properly issued and served upon Mr Ahuja and, from the evidence, are warranted.
21. The Improvement Notices are therefore confirmed upon the same terms as those dated 27 January 2020.

Judge J E Oliver
22 July 2020