



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

Case reference : **CAM/38UF/HIN/2021/0007**

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

Property : **Duttons Cottage, Lew Road, Curbridge,
OX29 7PD**

Applicant : **Margaret Bumford (1) Rosamund Wade
(2) on behalf of Peter Joseph King**

Representative : **Mrs Lynne Woodcock of Pheasant
Retreats (managing agent)**

Respondent : **West Oxfordshire District Council (the
Council)**

Representative : **Mrs Sara Anthony of the legal services
for the Council together with Mr Gary
Parker and Mrs Helen Moore of the
Council and Dr Fleur Cobley, (Tenant)**

Type of application : **Appeal against an Improvement Notice**

**Tribunal
member(s)** : **Judge Dutton
Mrs M Wilcox BSc MRICS**

Venue : **Video conference on 13 January 2022**

Date of decision : **14 January 2022**

DECISION

Covid-19 pandemic: description of hearing

This has been a remote video hearing which has been consented 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 that the Tribunal were

referred to are in a bundle of 139 pages, the contents of which have been noted.

DECISION

The Improvement Notice dated 21 July 2021 is suspended in part as provided for below. In respect of the Category 2 hazard for damp and part of the category 1 hazard relating to insulation the tribunal quashes the Improvement Notice and substitutes it with a Hazard Awareness Notice PROVIDED the steps to be taken by the Applicants are completed with 3 months of the date of this decision, to the Council's reasonable satisfaction.

Background

1. On 21 July 2021 the Council served on the Applicants an Improvement Notice containing in Schedule 1 the hazards discovered following a visit to the property Duttons Cottage, Lews Road Curbridge, Witney Oxon OX29 7PD (the Property) on 24 June 2021. These hazards, which were both category 1 (Excess Cold/damp) and category 2 (insulation) formed the basis of the Improvement Notice.
2. On 11 August 2021 the Tribunal received an application made by Mrs Lynda Woodcock of Pheasant Retreats on behalf of the applicants, appealing against the Improvement Notice. Directions were issued on 1 October 2021 and the matter came before us for hearing on 13 January 2022.
3. At the time of the hearing we had available to us a bundle of papers prepared by the Council containing some 139 pages. There was nothing from the Applicant. Mrs Woodcock did attend the hearing on behalf of her clients and said she had complied with the directions and lodged the relevant documents, as provided for in the directions, on 8 December 2021. Neither the Council, nor the tribunal had seen these documents.
4. We heard evidence from Dr Cobley, Mr Parker and Mrs Moore, all of whom had made witness statements. We also accepted some questioning of these witnesses by Mrs Woodcock and received a short verbal submission from her. She told in this submission that it was agreed that Dr Cobley would be handing back the keys to the Property on 21 January 2022, she having found a new property to move to. Apparently new tenants had been found and they would be taking occupation on or about 31 January 2022. However, before they did so the applicants were arranging for an electrician to install fixed electric radiators throughout the Property. We were told that these radiators should provide sufficient heat to meet the Council's requirements under the Improvement Notice.

5. At this point discussions ensued concerning the most appropriate way forward in the light of this information, which only came to the Council's attention at the hearing.
6. It was agreed that the Council would suspend the Improvement Notice for a period of 3 months from the date of this decision to enable the applicants to complete the installation of electric radiators in the Property, for the Council to inspect in that time and to hopefully approve the heating system to the Council's reasonable satisfaction. This would enable the Improvement Notice to be revoked under the provisions of s16 of the Housing Act 2004. (the Act).
7. In respect of the damp at the Property and the depth of the insulation in the loft it was agreed that we would substitute the Improvement Notice for a Hazard Awareness Notice under section 28 of the Act. Mrs Woodcock told us that enquiries were being made to determine whether a grant for the insulation was a possibility.

ORDER

8. Under Schedule 1 Part 3 we vary the decision of the Council leading to the Improvement Notice dated 21 July 2021 in that we agree the Council can invoke a suspension of same for a period of 3 months from the date of this decision.
9. Such suspension is on the basis that the applicant is intending, before the end of January 2022, to install electric radiators at the Property to provide heat sufficient to remove the category 1 hazard (the Works). The Works must be to the reasonable satisfaction of the Council who will facilitate an inspection as soon as possible after the radiators have been installed. In this regard it was agreed that Mrs Woodcock for the applicants and Mrs Moore for the Council would liaise with each other over timings. Subject to such inspection the Council will be entitled to revoke the Improvement Notice.
10. Provided the Works are completed on time and to the reasonable satisfaction of the Council and this being a rehearing, we having received information of which the Council were unaware, we order that the Improvement Notice be quashed in respect of the insulation to the loft and the damp in the dining room and in its place it be substituted with a Hazard Awareness Notice under section 28 of the Act.

Judge Dutton

14 January 2022