



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

**Case Reference** : CHI/00HN/HIN/2022/0021  
CHI/00HN/HIN/2022/0026

**Property** : 71 Penn Meadows, Brixham, Devon, TQ5  
9PF

**Applicant** : Kevin Robert Bell  
Caroline Suzette Bell

**Representative** :

**Respondent** : Torbay Council

**Representative** : Carole Knapp, Senior Environmental  
Officer

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

**Tribunal Member(s)** : Judge Tildesley OBE  
Mr M Woodrow MRICS

**Date and Venue of  
Hearing** : Torquay & Newton Abbot County & Family  
Court, The Willows, Nicholson Road,  
Torquay, Devon TQ2 7AZ  
9 March 2023

**Date of Decision** : 12 April 2023

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DECISION

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## **Decisions of the Tribunal**

1. The Appeal is allowed to the extent that the Tribunal orders a Hazard Awareness Notice to be served on the Applicants in place of the Improvement Notice dated 15 June 2022.

## **The Application**

2. On 17 September 2022 each Applicant appealed against an improvement notice issued on 15 June 2022 requiring the Applicants to carry out remedial works on a dwelling known as 71 Penn Meadows, Brixham, Devon, TQ5 9PF (the property) to remove category 1 and 2 hazards from the property.
3. The Application appealing the improvement notice was received outside the 21 day time limit. The Tribunal, therefore, issued a Notice on 19 December 2022 confirming it was minded to strike out the application in accordance with Rule 9 (2)(a) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 on the ground that it was out of time.
4. The Tribunal held a preliminary hearing on 19 January 2023 to determine whether the Applicants had a good reason for their failure to appeal before the end of the 21 day time limit.
5. After hearing from the parties the Tribunal decided to allow the Applicants to make their appeal against the improvement notices after the end of the 21 day period starting 15 June 2023. The Tribunal was satisfied that the Applicants had a good reason for their failure to appeal within the 21 day time limit. The Applicant's permanent home was in France. The Tribunal found that the Respondent through no fault of its own had affixed the wrong postage on the envelope notifying the Applicants of the improvement notices with the result that the Applicants did not receive the notices until 13 September 2022. The Applicants submitted their appeal without delay on 17 September 2022.
6. Following its decision on 19 January 2023 the Tribunal directed that the Application would be heard on 9 March 2023 and required the parties to exchange statements of case.
7. The Tribunal inspected the property in the presence of the parties immediately before the hearing on the 9 March 2023. The Applicants attended the hearing in person. Mrs Alice Litherland and Mrs Alison Puttuck of Boyce Brixham, the lettings agents, were in attendance. Mrs Carole Knapp, the Senior Environmental Officer, represented the Respondent.
8. The Respondent supplied the hearing bundle of documents comprising 138 pages. The Tribunal admitted in evidence Mrs Bell's email of 11 December 2021 in response to the Housing Health and Safety Rating

System (HHSRS) assessment. During the hearing the Applicants supplied copies of two reports and various emails dealing with the cavity wall insulation and a quotation for cleaning the mould. The Respondent did not object to the Tribunal receiving the documents in evidence.

9. The property is a 2 storey semi-detached house believed built in the early 1960's. It is of cavity block construction with mainly rendered and part tile hung elevations under a pitched and tiled roof. There are gardens to the front and rear and a driveway providing off-street parking to the side.
10. Access to the house at both the front and side is via flights of concrete steps at each entrance. The Applicants have installed new safety rails to each side of both flights of these steps. The front door opens into a small enclosed hall with a door leading into the living room. The kitchen was located at the rear of the building running the whole width of the house with access to the outside via the side door. The gas fired central heating boiler is located in a walk-in cupboard off the kitchen which had an outside wall. On the first floor there were two double bedrooms, a single bedroom and a bathroom with a three piece suite and a shower over the bath. The property had UPVC double glazing and radiators in each room.
11. The property was empty at the time of the inspection on the 9 March 2023. The Tribunal understands that the Applicants have put the property up for sale. The Tribunal saw areas of mould in the kitchen, living room, bedrooms and bathroom. The mould was widespread in the two bedrooms at the front of the house. The Applicants showed the Tribunal provision of the ventilation units fitted in the landing and bathroom ceilings and in the kitchen.
12. The Applicants have owned the freehold of the property since 15 May 2003. The freehold is registered under title number DN1814. In recent years the Applicants have been letting out the property on assured shorthold tenancies.
13. The Respondent became involved with the property following a complaint from the tenants on 17 November 2021. Mrs Knapp inspected the property on 26 November 2021 and conducted a HHSRS assessment which was supplied to the Applicants together with a schedule of works on 8 December 2021. The Applicants agreed to carry out the schedule of works. On 13 January 2022 the Applicant's agent informed Mrs Knapp that it had been instructed to serve a section 21 Notice for Possession of the property. Mrs Knapp advised the agent that the Respondent had a legal obligation in those circumstances to issue an Improvement Notice. It transpired that the Applicants had decided to sell the property and that the tenants had expressed an interest in purchasing it. The Applicants did not then go ahead with the issue of a section 21 Notice. On the 7 June 2022 the tenants advised the Respondent that they were not going ahead with the purchase and that

a section 21 Notice to vacate the property would be shortly served upon them. On the 15 June 2022 the Council served Improvement Notices on the Applicants.

14. The Improvement Notices identified one Category 1 hazard: damp and mould, and three Category 2 hazards: fire safety, falling on stairs and domestic hygiene pests and refuse. The Notices set out a schedule of works for reducing or removing each hazard which were to be completed within three months of the date of the Notice.
15. The Applicant's principal dispute was with the schedule of the works for the hazards of damp and mould and fire safety. The Applicants argued that the primary cause of the damp and mould was the defective cavity wall insulation which they had removed from the property. In those circumstances the Applicant's saw no point to carrying out the works proposed by the Respondent. The Applicants challenged the necessity for thumb locks on the exit doors of the properties which they saw as a security risk because they could be easily opened by young children from the inside and by burglars from the outside. The Applicants considered the number of electric sockets in each room adequate. The Applicants did not see the need for hand rails in respect of the steps in the garden. The Applicants believed that there had been no recurrence of the rodent problem since 2021.
16. The Respondent's case was that it had conducted a HHSRS assessment which had identified four hazards, one of which was a Category 1 hazard, and that the service of the improvement notice was the most appropriate action to deal with significant Category 1 or 2 hazards. The Respondent insisted that the works proposed to remedy the defects were supported by relevant guidance.

### **Legislative Background**

17. Part 1 of the Housing 2004 Act introduces a new system of assessing the condition of residential premises, and the way in which this is to be used in enforcing housing standards. It replaces the housing fitness standard as set out in section 604 of the Housing Act 1985 with a new Housing Health and Safety Rating System (HHSRS) which evaluates the potential risk to health and safety from any deficiencies identified in dwellings using objective criteria.
18. Local Authorities apply HHSRS to assess the condition of residential property in their areas. HHSRS enables the identification of specified hazards by calculating their seriousness as a numerical score by a prescribed method. Hazards that score 1,000 or above are classed as category 1 hazards, whilst hazards with a score below 1,000 are category 2 hazards.
19. Section 2(1) of the Housing Act 2004 (2004 Act ) defines hazard as:

“any risk of harm to the health or safety of an actual or potential occupier of a dwelling which arises from a deficiency in the dwelling (whether the deficiency arises as a result of the construction of any building, an absence of maintenance or repair, or otherwise)”.

20. Section 2(1) defines a category one hazard as:

“‘category 1 hazard’ means a hazard of a prescribed description which falls within a prescribed band as a result of achieving, under a prescribed method for calculating the seriousness of hazard of that description, a numerical score of or above a prescribed amount”.

21. Section 2(3) provides:

“Regulations under this section may, in particular, prescribe a method for calculating the seriousness of hazards which takes into account both the likelihood of the harm occurring and the severity of the harm if it were to occur”.

22. The regulations referred to in section 2(3) are the Housing Health and Safety Rating System (England) Regulations 2005 which set out the prescribed method for calculating the seriousness of the hazard and give the definition of harm. Regulation 7 prescribes bands of hazards from A to J on the basis of a range of numerical scores. Thus a Band A hazard is one with a numerical score of 5,000 or more; and B hazard is one with a numerical score of 2,000 to 4,999; and a Band C hazard is one with a numerical score of 1,000 to 1,999. Regulation 8 provides that a hazard falling within band A, B or C is a category 1 hazard and that a hazard falling within any other band is a category 2 hazard.

23. The numerical score for a hazard is reached in a number of steps prescribed by regulation 6. First the Authority is required to assess the likelihood, during the period of 12 months beginning with the date of assessment, of a relevant occupier suffering any harm as the result of that hazard. The assessment identifies one of a range of 16 ratios of likelihood. Who is a “relevant occupier” is defined in regulation 6(7) by reference to particular matters contained in Schedule 1. For example the relevant occupier for the excess cold hazard is an occupier aged 65 years or over.

24. The second step requires the Authority to assess which of the four classes of harm a relevant occupier is most likely to suffer. Thirdly the Authority must assess the possibility of each of the three other classes of harm occurring as a result of that hazard, as falling within a range of percentages of possibility. For each range there is also set out a representative scale point of the percentage range (RSPPR). Step four requires the Authority to bring the total of RSPPRs for the four classes up to 100%. Step five is the production of a numerical score for the seriousness of the hazard for each of the four classes of harm. For each of these, the likelihood is multiplied by the RSPPR and then by a further factor, which weights the seriousness of the classes of harm. This factor is 10,000 for Class I, 1,000 for Class II, 300 for Class III and 10 for Class IV. The final step is to add the four individual numerical

scores to produce the numerical score that can be related to the prescribed bands.

25. Under section 5 of the 2004 Act if a Local Authority considers that a Category 1 hazard exists on any residential premises, it must take appropriate enforcement action. Section 5(2) sets out seven types of enforcement action which are appropriate for a category 1 hazard. If two or more courses of action are available the Local Authority must take the course which it considers to be the most appropriate. Prohibition order, improvement notice and hazard awareness notice are included in the types of enforcement actions that a Local Authority may take following the identification of a category 1 hazard.
26. Section 9 of the 2004 Act requires the Authority to have regard to the HHSRS Operating Guidance and the HHSRS Enforcement Guidance<sup>1</sup>.
27. Sections 11-19 of the 2004 Act specify the requirements of an Improvement Notice for categories 1 and 2 hazards. Section 11(2) defines an Improvement Notice as a notice requiring the person on whom it is served to take such remedial action in respect of a hazard as specified in the notice. Section 11(8) defines remedial action as action (whether in the form of carrying out works or otherwise) which in the opinion of the Local Authority will remove or reduce the hazard. Section 11(5) states that the remedial action to be taken by the Notice must as a minimum be such as to ensure that the hazard ceases to be a category 1 hazard but may extend beyond such action. Section 12 deals with an Improvement Notice for a category 2 hazard, and contains similar provisions to that in section 11.
28. An appeal may be made to the Tribunal against an Improvement Notice under paragraph 10, part 3, schedule 1 of the 2004 Act. There are no statutory limits on the grounds of Appeal, although the Act contains provision for specific grounds, which under paragraph 11 includes the ground that one or other persons as an owner or owners of the specified premises ought to take the action concerned.
29. The Appeal is by way of a re-hearing and may be determined by the Tribunal having regard to matters of which the Authority is unaware. The Tribunal may confirm, quash or vary the improvement notice. The function of the Tribunal on an Appeal against an Improvement Notice is not restricted to a review of the Respondent's decision. The Tribunal's jurisdiction involves a rehearing of the matter and making up its own mind about what it would do.

## **Consideration**

30. The issues for the Tribunal are whether the property suffered from hazards which posed risks to the health and safety of potential

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<sup>1</sup> Housing Health and Safety Rating System: Operating Guidance & Enforcement Guidance ODPM February 2006;

occupiers and, if it did, to determine the extent of the formal action required of the owner to mitigate the hazards.

31. In this Appeal the Tribunal is concerned with housing standards. The Tribunal is obliged to assess the dispute in accordance with the provisions of the 2004 Act which involves findings on the alleged deficiencies in the property, an evaluation of the HHSRS scores for the identified hazards and, if need be, consideration of the appropriate enforcement actions.
32. The Tribunal is, however, mindful of the limitations of the HHSRS scheme which were articulated by the then President of the Upper Tribunal (Lands) in *Bolton Metropolitan Council v Amratlal Patel* [2010] UKUT 334 (LC):

“Before I consider Mr Clark’s submissions I should say something about the method of hazard assessment provided for by the Act and Regulations and its application by the technical officer in this case. It seems to me important that RPTs when determining cases under Part 1 of the Act should bear in mind the nature of such assessments as these and their limitations. The complicated set of provisions is designed to produce a numerical score for each hazard that is under consideration so that it can be seen to fall within a particular band and in either category 1 or category 2. The great danger of a numerical score produced in this way is that it creates the impression of methodological accuracy, whereas the truth may be that it is the product of no more than a series of value judgments based on little understood statistics of questionable validity”.

33. The Tribunal intends to deal with the dispute in two stages. The Tribunal starts with the examination of the assessment process undertaken by Mrs Knapp, followed by a consideration of the enforcement actions which would depend upon the Tribunal’s findings on the assessment. The Tribunal will examine each of the hazards in turn.

### ***Damp and Mould***

34. Mrs Knapp stated that the property was in an exposed position and that the front elevation was prone to condensation. Mrs Knapp highlighted that the central heating system was old with no room thermostat and the radiators were installed on inner walls. Mrs Knapp also referred to other deficiencies in the property including that the double glazed windows had no trickle vents, the mechanical ventilation system in the kitchen was not working and cracks to external render.
35. Mrs Knapp placed weight on the extent of the damp and mould visible in the property on her various inspections, and the increased risk of black spot mould which was particularly dangerous to health. As a result Mrs Knapp increased significantly the likelihood of harm to 1 in 3

from an average likelihood of 1 in 446 but kept to the average spread of health outcomes, which produced a hazard score of 1,630, a Category 1 hazard in Band C for “Damp and Mould”.

36. The Applicants stated that they first became aware of the damp and mould problem in October 2020, and as a result they provided the tenants with dehumidifiers and installed a heat recovery unit with vents in the bathroom and kitchen. The Applicants then became aware of the cavity wall installation being wet. The Applicants contacted the Cavity Insulation Guarantee Agency (CIGA) which organised an inspection of the property. The inspection revealed significant voids of cavity wall insulation to all elevations of the property and recommended the extraction of the cavity wall insulation which was done in the Spring of 2021. The Applicants explained that they were not convinced that all the cavity wall insulation had been extracted at the first attempt. The Tribunal understands that the Applicants have resolved their differences CIGA which has allowed the Applicants to organise and pay a contractor to clean and remove the mould from the property. It would appear that the Applicants had not provided Mrs Knapp with the correspondence and inspection reports regarding the cavity wall insulation until the day of the hearing.
37. The Applicants disagreed with Mrs Knapp about the need for a room thermostat and to move the radiators from the internal walls. The Applicants accepted that the central heating system was old but they said the boiler was “top of the range” when installed and it was still functioning.
38. The Tribunal is satisfied on the evidence heard that the defects in the cavity wall insulation contributed to the build up of the damp and mould in the property. The Tribunal considers that the steps taken by the Applicants, namely, the installation of a ventilation system together with the extraction of the defective cavity wall insulation and the treatment of the mould has reduced considerably the likelihood of harm of 1 in 3 as assessed by Mrs Knapp on 26 November 2021. The Tribunal, however, considers that the reconfiguration of the radiators particularly in the two front bedrooms to the external walls and the fixing of a room thermostat for the central heating system would give added protection against damp and mould.
39. The Tribunal concludes on balance that the remedial works undertaken by the Applicants have reduced the HHSRS score for Damp and Mould to a Category 2 Hazard.

### ***Fire Safety***

40. Mrs Knapp identified that (1) both exit doors to the property had key operated locks which would have impeded the means of escape in the event of fire, and (2) there were insufficient electrical sockets in the kitchen and the bedrooms leading to the use of extension leads and



adaptor plugs which enhanced the risk of fire. In view of these deficiencies Mrs Knapp increased significantly the likelihood of harm to 1 in 180 from an average likelihood of 1 in 6,341 and altered the spread of health outcomes by increasing the percentage for Class 1 and Class 2 outcomes to 10 per cent. This produced a hazard score of 694, a Category 2 hazard in Band D for “Fire Safety”.

41. The Applicants argued that the current building regulations for the fitting of thumb locks did not apply to their property. They also considered thumb locks a security issue because they could be opened on the inside by children and from the outside by burglars. The Applicant stated that the premium for insuring the property would increase if thumb locks were installed. The Applicants asserted that under electrical safety regulations there was no minimum requirement of electrical sockets in a room, and that they felt that the property had adequate sockets in each room.
42. Mrs Knapp contended her recommendations for remedial works were supported by specific guidance on hazards. In respect of thumb locks Mrs Knapp relied on paragraph 16.1 of LACORS: “Housing – Fire Safety; Guidance on fire safety provisions for certain types of existing housing”:

“Ideally, final exit doors from all premises should be fitted with locks/catches which are openable by the occupiers from the inside without the use of a removable key. This should always be the case in HMOs, including shared houses. Where security locks are fitted they should be of the type with a suitable internal thumb-turn to facilitate this. To safeguard security any glazed panels within the door or adjacent to it should be replaced with protected glazing of some kind or protected in another way from intruders”.

Mrs Knapp also pointed out that Electrical Safety<sup>2</sup> had published Guidance on: “Minimum provision of electrical socket-outlets in the home”. The Guidance highlighted that not having sufficient socket outlets in the home created potential hazards including risk of tripping over leads, electric shock or injury and damage to property through fire. The Guidance recommended minimum provision of socket outlets in homes were: two double sockets in a single bedroom, three double sockets for a double bedroom up to 12m<sup>2</sup> and six double sockets for a kitchen area up to 12m<sup>2</sup>. The subject property did not meet the minimum requirements for electric socket-outlets as recommended by The Guidance.

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<sup>2</sup> Electrical Safety First is a charitable non-profit making organisation set up in 1956 to protect users of electricity against the hazards of unsafe and unsound electrical installations. Electrical Safety First is supported by all sectors of the electrical industry, approvals and research bodies, consumer interest organisations, the electrical distribution industry, professional institutes and institutions, regulatory bodies, trade and industry associations and federations, trade unions, and local and central government.

43. The Tribunal found Mrs Knapp's analysis of the risks to fire safety convincing and that her proposed remedial actions were based on reliable expert guidance in the field of fire safety. In the Tribunal's view the Applicant's objections were ill-informed and did not address the risks for fire safety.
44. The Tribunal is satisfied the deficiencies in the property supported a hazard scoring of Class 2 Hazard at Band D for fire safety.

### ***Falling on Stairs***

45. Mrs Knapp found that the steps to the upper garden had no hand rail or balustrading to the edges. Mrs Knapp proposed suitable handrails to the full length of the external steps from the patio to the upper garden.
46. The Tribunal noted that this risk did not form part of the HHSRS assessment conducted in November 2021. In that assessment Mrs Knapp had identified the risk of falling between levels which related to the drop from the raised patio area to the paved area. Mrs Knapp had recommended the erection of fencing which had been carried out by the Applicants.
47. The Tribunal concluded that as no HHSRS assessment had been done of the hazard that the risk of harm of falling from having no hand rail was not significant, which was confirmed by the Tribunal's inspection of the garden.

### ***Domestic Hygiene, Pest and Refuse***

48. Mrs Knapp had originally scored this risk as 463 which was a category 2 Hazard at Band E+. The hazard was related to rodent activity in the loft.
49. The Applicants stated that since 2021 they have not been made aware of any further pest problems. They had fitted corrugated eaves and ventilation/soffit trays in December 2020 which worked the same as pest wire mesh. The back gully hole was filled in September 2021.
50. The Tribunal is satisfied on the evidence that the risk from rodents was relatively low and did not pose a significant hazard to the health and safety of residents.

### ***Whether an Improvement Notice Should be Issued?***

51. The legislation is structured in such a manner that if a Category 1 hazard is present on a property, appropriate enforcement action must be taken to reduce the hazard. Where there are category two hazards there is discretion to take action to reduce the hazard.

52. The Tribunal observes that when the HHSRS assessment was conducted by Mrs Knapp in November 2021, the property suffered from two Category 1 hazards and three significant Category 2 Hazards. By the time of the issue of the Improvement Notice in June 2022 the Applicants had taken action to remove one of the Category 1 hazards and one of the significant Category 2 hazards. The Improvement Notice identified one category 1 hazard and three significant Category 2 hazards, one of which was not the subject of the HHSRS assessment in November 2021.
53. The Tribunal is satisfied that an Improvement Notice was the most appropriate enforcement action to take in respect of the situation that existed in June 2022. The Tribunal, however, has found that the situation has moved on since June 2022 which means that the Tribunal must consider what is the most appropriate enforcement action for the current situation.
54. The Tribunal decided that the remedial actions taken by the Applicants reduced the Category 1 hazard of “Damp and Mould” to a Category 2 hazard which results in the Local Authority no longer having a statutory duty to take action in respect of the hazard.
55. The Tribunal’s assessment of the current situation is that the property suffers from three Category 2 hazards, “Fire Safety”, “Damp and Mould” and “Fall from Stairs” of which “Fire Safety” posed a significant risk to health and safety. In the Tribunal’s view the other two hazards carried a lower risk and were not significant Category 2 hazards.
56. The question, therefore, is whether the Improvement Notice remains the most appropriate enforcement action for the current situation.
57. Section 7(2) of the 2004 Act identifies five types of enforcement action in connection with Category 2 Hazards. In the Tribunal’s view, three of those actions were not appropriate to the current circumstances. The present condition of the property and the demand for available units of accommodation in Devon did not justify the extreme options of demolition or clearance. Equally a prohibition order was not appropriate because feasible remedial action could be taken to reduce the risks posed by the Category 2 hazards.
58. This left the Tribunal with two options: a Hazard Awareness Notice or an Improvement Notice with the variant of suspending the Improvement Notice.
59. A Hazard Awareness Notice advises the owner of the property of the existence of a hazard and of the deficiency causing it. The Notice requires no action to remedy the deficiency on the part of the owner, and there is no formal procedure to ensure that the person has followed the advice. The HHSRS Enforcement Guidance suggests that a Hazard Awareness Notice is a reasonable response to a less serious hazard, where the Housing Authority wishes to draw attention to the desirability of remedial action or where an owner or landlord has

agreed to take remedial action. The Enforcement Guidance also advises there may be circumstances where works of improvement are not practicable or reasonable, in which case a Hazard Awareness Notice might be appropriate.

60. The Enforcement Guidance gives a range of circumstances where suspending the Improvement Notice might be appropriate. The Tribunal considers the following two sets of circumstances are relevant to this case which are (1) where the hazard is not sufficiently minor to be addressed by a hazard awareness notice but the current occupiers are not members of a vulnerable group; and (2) the use of a suspended order is appropriate to deal with future occupation.
61. Mrs Knapp favoured a suspension of the Improvement Notice which would be reviewed on the acquisition of the property by a new owner.
62. As well as having regard to the Enforcement Guidance, the Tribunal took into account that the property was presently unoccupied and that the Applicants had indicated that they had no intention of letting the property again. The Tribunal noted that the Applicants had put the property up for sale.
63. After weighing up all the above factors the Tribunal decides that a Hazard Awareness Notice is the most appropriate action for the current situation. The Tribunal recognises that there remains a significant Category 2 Hazard in relation to fire safety. However, the property is currently not occupied and the Tribunal considers that a new owner is likely to refurbish the property and in so doing would have regard to those works identified in the Hazard Awareness Notice.

## **Decision**

64. The Tribunal allows the Appeal to the extent that the Tribunal orders a Hazard Awareness Notice to be served by the Respondent on the Applicants in place of the Improvement Notice dated 15 June 2022.
65. The Hazard Awareness Notice shall identify the three Category 2 Hazards of “Damp and Mould”, “Fire Safety” and “Fall on Stairs”. The Hazard Awareness Notice will record the following remedial works: (1) “Damp and Mould”: re-siting the radiators in the two front bedrooms to exterior walls; (2) “Fire Safety”: fitting of thumb locks to the exit doors and the installation of two double sockets in the single bedroom, three double sockets in the double bedrooms and six double sockets in the kitchen; and (3) “Fall on Stairs”: erection of hand rails to either side of the steps leading to the upper garden area.
66. The Tribunal has indicated that an Improvement Notice was the most appropriate form of enforcement action for the circumstances that existed when the Notice was issued in June 2022. The Tribunal also notes that the Respondent had no choice but to issue an Improvement Notice because of the Applicants’ decision to issue a section 21 Notice.

67. The Tribunal, therefore, confirms the Demand Notices under sections 49 and 50 of the 2004 Act requiring the Applicant to pay the costs of the enforcement action in the sum of £160.74 for each Improvement Notice. The amount due is payable within 28 days from the date of this decision. The Tribunal also declines to order the Respondent to reimburse the Applicant with Tribunal fees of £300.

## **RIGHTS OF APPEAL**

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application by email to [rpsouthern@justice.gov.uk](mailto:rpsouthern@justice.gov.uk) to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.