



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

Case reference : **BIR/00CR/HIN/2023/0031**

Property : **56 Talbot Street, Brierley, West
Midlands, DY5 3DS**

Applicant : **Nasir Ahmed**

Respondent : **Dudley Metropolitan Borough Council**

Type of application : **Application under paragraph 10(1) of
Schedule 1 to the Housing Act 2004 to
appeal against an improvement notice
in respect of the subject property**

Tribunal members : **Judge C Payne (Chair)
Mr R Chumley-Roberts MCIEH**

Date of decision : **23 August 2024**

DECISION

Summary

The Tribunal determines that the Applicant's application is struck out under Rule 9(3)(a) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 as the Property does not constitute a dwelling house for the purposes of the Housing Act 1988.

Background

1. By an application received by the Tribunal on 20 July 2023, the Applicant applied to the Tribunal under paragraph 10(1) of Schedule 1 to the Housing Act 2004 ('the 2004 Act') to appeal against an improvement notice dated 30 June 2023 served by the Respondent under sections 11 and 12 of the 2004 Act in relation to Category 1 and Category 2 hazards at the Property.
2. Directions were issued on 20 September 2023 requiring the Respondent to make further submissions by 4 October 2023. These were provided. The Applicant was required, not later than 25 October 2023, provide to the Respondent and to the Tribunal an electronic bundle (paginated and indexed) of all documents relevant to the determination of the application.
3. The Applicant did not comply with the directions. On 15 November 2023, the Applicant wrote to the Respondent copying in the Tribunal. He stated, without providing any evidence, that he had been in hospital and asking for an unspecified extension to the deadline for producing submissions.
4. On 21 November 2023, the Tribunal wrote to the Applicant allowing until 28 November 2023 for the submission to be provided and warning that, if they were not made, the application would be struck out under Rule 9(3)(a) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013. Nothing further was heard from the Applicant.

The Law

5. Rule 9(3)(a) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013

9. (3) The Tribunal may strike out the whole or a part of the proceedings or case if—

(a) the applicant has failed to comply with a direction which stated that failure by the applicant to comply with the direction could lead to the striking out of the proceedings or case or that part of it;

Decision

6. The Applicant was warned that failure to comply with the directions of the Tribunal would result in his Application being struck out. He failed to comply with the directions. Therefore, his Application is struck out.

Appeal

7. Any appeal against this decision must be made to the Upper Tribunal (Lands Chamber). Prior to making such an appeal the party appealing must apply, in writing, to this Tribunal for permission to appeal within 28 days of the date of issue of this decision (or, if applicable, within 28 days of any decision on a review or application to set aside) identifying the decision to which the appeal relates, stating the grounds on which that party intends to rely in the appeal, and stating the result sought by the party making the application.

Judge C Payne
Chair
First-tier Tribunal (Property Chamber)