

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

**LON/00AG/BSA/2024/0009
IN THE MATTER OF THE BUILDING SAFETY ACT 2022**

Between:

KYRIACOS EVAGORA, EMMA PARNES AND NIRMALAN SATHIAMOORTHY
Applicants

and

HAZLEWOOD PROPERTIES LIMITED
Respondent

REMEDIATION ORDER

Upon considering the Applicants' application for a remediation order under s123 of the Building Safety Act 2022

AND UPON the time frame set out below having been agreed as a consequence of new evidence presented in this case only which was not available in the improvement notice appeal proceedings

AND BY CONSENT

AND UPON the tribunal recording that the Respondent has undertaken to the Applicants:

1. to carry out temporary works to put the lift into operation with immediate effect and such works will commence on 6 December 2024 (and are estimated to take 2 weeks to complete).
2. to comply with paragraphs 12 and 13 of Schedule 6 of the Section 106 Agreement dated 30 September 2008.
3. without prejudice to any issues in connection with the legitimacy of service charge accounts and the Applicants' pending section 22 request, to re-instate the concierge in the South Block forthwith in the event that the Applicants pay an amount equal to 50%

of the unpaid service charges relating to the accounting year 2023, which the Respondent contends are due and outstanding from the Applicants in relation to the South Block (ie. 50% of approximately £94,000 (the precise amount to be provided to the Applicants' solicitors within 7 days).

4. to use best endeavours to assist with any insurance claim made by the Applicants to cover the cost of works (insofar as the Applicants are liable for such costs).

IT IS ORDERED

1. That the Respondent shall remedy the relevant defects at Princes Park, 52 Prince of Wales Road, London NW5 3LN (the "**Property**") summarised in the attached Schedule of Defects (the "**Schedule of Defects**") and more particularly described in the Report of Inspection by the Fire Safety Joint Inspection Team (JIT) dated 31 May 2023 ("JIT Report") and Schedule 1 of the Improvement Notice dated 19 October 2023 (the "Improvement Notice") (the "**Relevant Defects**") within the periods of:
 - (1) 7 months commencing on 27 September 2024 in respect of the lift referred to at section 15 of the Schedule of Defects; and
 - (2) 22 months commencing on 27 September 2024 for the balance of the Relevant Defects, save that the parties may agree (such agreement to be in writing and a copy provided to the Tribunal) to the variation of this time period.
2. The Respondent shall comply with paragraph 1 above by carrying out remedial works in accordance with the JIT Report being the works which are set out in Schedule 2 of the Improvement Notice (as amended in connection with *Hazlewood Properties Limited v London Borough of Camden (LON/00AG/HIN/2024/0001)*) and in the attached Schedule of Works (the "**Works**").
3. The Respondent shall provide the Applicants with costings for each component part of the Works within five working days of ascertainment and within a reasonable time after any variations thereto.

4. The parties have permission to apply in relation to paragraphs 1 and 2. In particular, the Respondent has permission to apply:
 - (1) to be permitted to undertake different Works to those specified by this Order, if it is revealed by investigation and analysis by a suitably qualified consultant that reasonable alternative works will remedy the Relevant Defects; and
 - (2) to extend the time for compliance with this Order.
5. Any such application must be made using the Tribunal's Form "Order 1". The application must be supported by detailed evidence explaining the reason for the application and a proposed draft order setting out the variation sought. There is permission for the parties to rely on relevant expert evidence in support of the application. The application must also include a realistic time estimate for the application to be heard.
6. The Respondent must notify the Tribunal, the Applicants and Camden Borough Council that it has complied with this Order, within one month of the certified date of practical completion of the Works, providing a copy of the FRAEW and EWS1 referred to at paragraph 7 below.
7. Without prejudice to Schedule 2 of the Improvement Notice, the Respondent must carry out the Works and remedy the specified Relevant Defects in compliance with the Building Regulations applicable at the time the remedial work is carried out, so that the Relevant Defects no longer exist and such that a post-Works Fire Risk Appraisal of External Walls (FRAEW) pursuant to PAS9980:2022 should not prevent a satisfactory Form EWS1:External Wall Fire Review (EWS1) from being issued. The Respondent shall obtain a FRAEW and EWS1 which meet these requirements.
8. Without prejudice to Schedule 2 of the Improvement Notice, the Respondent shall ensure that the Works are carried out in accordance with all requirements of the Building Safety Regulator (or such other Building Control authority and/or, if applicable and permissible, such registered building control approver as has responsibility for the Works).

9. The Respondent shall file the completion certificate issued under Regulation 44 of the Building (Higher-Risks Buildings Procedures) (England) Regulations 2023 (or such other completion certificate issued by the relevant Building Control authority and/or, if applicable and permissible, such registered building control approver as has responsibility for the Works) with the Tribunal and serve the same on the Applicants within 1 month of receipt.

10. The Respondent must make good any damage caused to the Property on account of the Works by the deadline set out at paragraph 1 above.

11. By section 123(7) of the Building Safety Act 2022, this Order is enforceable with the permission of the county court in the same way as an order of that court.

5 December 2024
Judge N Carr
Judge T Powell
Mr A Gee RIBA

SCHEDULE OF DEFECTS

1.	<p>Zinc Standing seam cladding</p> <p>10% of the external wall area. Mostly on the railway side in a continuous band from 2nd floor to top floor. Spans horizontal compartment lines. Penetrated by ventilation pipes.</p> <p>With reference to the FRC Report dated 23 July 2021 (the "FRC Report"), the wall build up includes 1mm zinc sheet (external face), 18mm timber ply, timber battens, PIR insulation, cement particle board, SFS with mineral wool insulation, and 2 layers of plasterboard (internal face).</p> <p>Inadequate cavity barriers and fire barriers.</p>
2.	<p>Timber panel cladding</p> <p>10% of the external wall area. Multiple locations on east north and west elevations. On the north block, covers 2nd floor to 5th floor. Uninterrupted vertical bands from 2nd floor to 5th floor on the east elevation. Between windows and recessed balconies.</p> <p>With reference to the FRC Report, the wall build-up includes 18mm timber (external face), timber battens, PIR insulation, cement particle board, SFS with mineral wool insulation and 2 layers of plasterboard (internal face).</p> <p>Inadequate cavity barriers and fire barriers.</p>
3.	<p>Render</p> <p>35% of external wall area. On all elevations. Majority on east and north elevations. Continuous vertically and horizontally 2nd floor to 6th floor. Numerous penetrations.</p> <p>With reference to the FRC Report, the wall build-up includes acrylic (unconfirmed) render (external face), mineral wool insulation, cement particle board, SFS with mineral wool insulation and 2 layers of plasterboard (internal face). Some rendered areas included a 25mm cavity – no cavity barriers.</p>
4.	<p>Brick (ground and first floors)</p> <p>Less than 5% of external wall area. All wall elevations. Numerous penetrations. Two types:</p> <ol style="list-style-type: none">1. Brick (external face), 40mm cavity, PIR insulation, blockwork (internal face).2. Brick (external face), PIR insulation, cement particle board, SFS with mineral wool insulation and 2 layers of plasterboard (internal face). <p>Not fully closed at first floor slab level (garage and north block bin store) leaving PIR exposed.</p>

5.	<p>Cavity barriers</p> <p>With reference to the FRC Report, cavity barriers were missing from the zinc cladding and timber cladding systems.</p>
6.	<p>Balconies / terraces</p> <p>Inset balconies, stacked on south, east and north elevations. Balcony soffits and side-walls are timber. Polymeric insulation behind soffits. Some balconies separated by areas of render, others in the west are connected by areas of timber. Unidentified composite deck boards on balconies and terraces.</p>
7.	<p>Penetrations</p> <p>Aluminium framed windows with trickle vents. In one flat, the windowsill was easily removed, and a rigid insulation board was in touching distance. No evident fire stopping around the windows. Service penetrations through all wall types. No fire stopping apparent. Electrical sockets on the inside face of external walls.</p>
8.	<p>Compartmentation</p> <p>Specified issues in 5th floor north block riser cupboard, above entrance door to flat 16 and around soil vent pipes in a store cupboard in the rear ground floor corridor.</p> <p>Widespread issues at basement level.</p>
9.	<p>Means of escape</p> <p>Wallpaper not Class 0. Could contribute to fire spread in the common areas.</p> <p>Open-plan concierge desk. Electrical equipment, stationery and boxed deliveries. Considerable areas of timber. No door at the bottom of the staircase. The lift opens into the same area. Fire in the area could compromise the means of escape from all floors.</p>
10.	<p>Smoke Control System</p> <p>The top floor smoke shaft door in the north block was not closed fully, allowing the possibility of smoke discharging into the corridor.</p> <p>One of the impulse jet fans in the car park was directed toward a concrete beam.</p>
11.	<p>Fire Suppression System</p> <p>There is no fire suppression system or sprinkler system fitted in the building, in line with Building Regulations at the time of construction. Current regulations require a suppression system to be installed in new buildings where a floor is above 11m from the fire appliance level.</p>

<p>12.</p>	<p>Fire Doors</p> <p>There were excessive gaps between the door leaf to door frame. In the South block, there were no cold smoke seals fitted to the staircase doors and vision panels were not marked as fire rated.</p> <p>Fire doors in the basement, bin store and plant rooms were poorly fitted and door frame to wall opening gaps were filled with expanding foam.</p>
<p>13.</p>	<p>Flat Entrance doors</p> <p>Some flat entrance door had no smoke seals and not all entrance doors self-closed into the associated door rebate.</p>
<p>14.</p>	<p>Emergency Lighting</p> <p>A potential defect with the standard of emergency lighting in the staircase (north end of the car park to the exit on the west side), and at the entrance to the same staircase.</p>
<p>15.</p>	<p>Fire Fighting Lift</p> <p>A lift service report indicated that the lift did not meet the standard for a firefighting lift due to the Ingress Protection rating for water ingress, communications and the location of sump pump.</p>
<p>16.</p>	<p>Wayfinding signage</p> <p>No wayfinding signage in the south block.</p>
<p>17.</p>	<p>Gas Riser</p> <p>Not appropriately ventilated.</p>
<p>18.</p>	<p>Lightning protection</p> <p>No certificates or proof of testing.</p>
<p>19.</p>	<p>Secure premises information box</p> <p>There was no secure premises information box at the property.</p>

SCHEDULE OF WORKS

External Walls	
1.	<p>Timber cladding system</p> <p>Remove all timber cladding and associated PIR (rigid foam) from the external walls to the north, west and south faces of the building. Remove all timber cladding and associated PIR from the external walls to the east face except where the timber cladding is in a “discrete” area and there is an associated gap of at least 1.5 metres vertically between each discrete area of timber cladding. Replace in accordance with current Building Regulations with material complying with Euro Class A1 or Euro Class A2-s1, d0. Ensure associated cavity barriers and fire stopping to penetrations have been provided as required by current Building Regulations. For the avoidance of doubt, all timber cladding to the east face which runs vertically over more than one storey and all timber cladding on the balconies must be removed.</p>
2.	<p>Zinc cladding system</p> <p>Remove the PIR (Rigid foam) and timber (ply board) from the zinc external walls of the building. Replace in accordance with current Building Regulations with material complying with Euro Class A1 or Euro Class A2-s1, d0. Ensure associated cavity barriers and fire stopping to penetrations has been provided as required by current Building Regulations.</p> <p>If it is proposed to retain the whole or any part of the existing timber or zinc cladding wall system, the Respondent shall provide the following evidence to the satisfaction of the Local Authority:</p> <ul style="list-style-type: none">a) A successful BR135 classification based on the completion of an appropriate BS 8414 test for an external wall system identical to the proposed system or system to be retained; andb) Evidence of the type and fixture of the cavity barriers that are to be provided to the proposed system or system to be retained; andc) Evidence that the cavity barriers are appropriate and sufficient to adequately protect against external fire spread, considering the shape of the building, any undulations in wall surfaces and the wall system itself, and comply fully with the requirements of the Building Regulations. <p>The Respondent shall provide a copy of the evidence it submits to the Local Authority to the Applicants at the time of submission, and shall provide written confirmation or written evidence that the Local Authority is satisfied in respect of such evidence to the Applicants upon receipt of such confirmation.</p> <p>If the evidence in the above cannot be provided, replace the wall system in accordance with current Building Regulations with material complying with Euro</p>

	Class A1 or Euro Class A2-s1, d0 and ensure associated cavity barriers and fire breaks have been provided as required by Building Regulations.
3.	<p>Brick wall system</p> <p>Provide appropriate cavity barriers to all party wall and floor junctions inside the brick wall system and install suitable cavity closers to close off all openings in the cavity brick wall around the car park vehicle entrance at high and low levels, so that the combustible insulation is encapsulated. On completion the Respondent shall provide evidence to the Local Authority's satisfaction of the type, location and fixture of cavity barriers to the EWS(s). The Respondent will provide a copy of the evidence it submits to the Local Authority to the Applicants at the time of submission and shall provide written confirmation or other evidence that the Local Authority is satisfied in respect of the same to the Applicants upon receipt of such confirmation.</p> <p>Replace any combustible material used in balcony and terrace construction, including decking, soffits and returns. Replace any combustible material with non-combustible material (Euro Class A1 or A2-s1, d0). The Respondent will provide documentary evidence that replacements to and within the balconies fully comply with current Building Regulations requirements at all stages of the construction and upon completion of the works. A copy of this evidence will be provided to the Applicants at the same time it is provided to the Local Authority. Any combustible decking that is protected by a concrete soffit can be retained, but when replacement is due at the end of the natural life or due to deterioration, it must be replaced with non-combustible material (Euro Class A1 or A2-s1, d0).</p> <p>Material removed from the external walls of the building as part of these works must only be replaced with material that complies with Euro Class A1 or Euro Class A2-s1, d0. The Respondent will provide documentary evidence that replacements to/within the external wall systems fully comply with building regulation requirements at all stages of the construction and upon completion of the works. A copy of this evidence will be provided to the Applicants at the same time it is provided to the Local Authority.</p> <p><i>See Appendix B of Approved Document B Volume 1, Regulation 7 (under the requirements for B4) and section 10, for guidance on the performance of materials, products and structures. It gives advice on necessary steps to demonstrate that a system or product can meet the relevant performance classification.</i></p>
Internal Works	
4.	<p>Compartmentation</p> <p>Undertake a non-intrusive survey of the compartmentation and fire stopping throughout the building paying particular attention to the basement area where there are widespread deficiencies including unsatisfactory fire doors, fire stopping around doors, ducting entering the protected corridor, incorrectly fitted fire collars.</p>

	<p>Particular attention to be paid to the manner of construction and location of the shaft in the basement central corridor which rises through the concrete slab to the ground floor in proximity to the concierge desk.</p> <p>Engage a competent person(s), such as a chartered engineer registered with the UK Engineering Council under the Institution of Fire Engineers, or someone with relevant knowledge and experience, to carry out all works as necessary to adequately ensure the required level of compartmentation and fire stopping in accordance with the current Approved Document B and using appropriate materials and fire stopping products.</p> <p>The Respondent must provide a full copy of the survey report to the Local Authority and the Applicants. On completion of the works the Respondent shall procure that the competent person provides certification that all works have been carried out satisfactorily, and a suitable photographic / written record to be provided to the building owner to enable it to fully inform future fire risk assessments and any necessary Building Safety Case. The Respondent will provide a copy of the certification and photographic / written record to the Applicants upon receipt.</p>
<p>5.</p>	<p>Means of escape materials</p> <p>Remove the timber cladding in the ground floor reception area, unless it can be shown to conform to class 0 for surface spread of flame and Euroclass B-s3, d2 for combustibility as detailed in ADB and BS 9991 for classification of linings and replace with a suitable material which meets the standards set out above or, alternatively, treat the existing timber cladding to the reception area with fire retardant, repeat this process periodically to retain the period of fire retardance. In either case, the requirements in 6 below must be complied with.</p> <p>Remove the wallpaper or wall lining materials in the south block residential corridors, unless it can be shown to conform to class 0 for surface spread of flame and Euroclass B-s3, d2 for combustibility as detailed in AD B and BS 9991 for classification of linings. Replace with a suitable material which meets the standards set out above.</p>
<p>6.</p>	<p>Ground floor reception area</p> <p>Ensure the ground floor reception, concierge desk and entrance foyer is safe for anyone using it to evacuate in the event of a fire in this area, and is a sterile area. In order to achieve this:</p> <ol style="list-style-type: none"> a) redesign the whole area to ensure all sources of ignition including electrical appliances and sockets, and all combustible materials are located within a separate compartmentation with 60 minutes fire resisting construction, with appropriate fire doors to protect the staircase; or b) install a fire curtain to drop down separating the reception area from the route to the final exit door (front entrance); or c) install localised fire suppression systems; or d) provide other active or passive fire safety measures,

	<p>and in each case those measures are to be approved in advance by the Local Authority in writing and then maintained in accordance with appropriate British Standards. The Respondent will provide a copy of any approvals received from the Local Authority to the Applicants upon receipt.</p>
7.	<p>Emergency lighting</p> <p>Engage a competent person to assess the escape route from the car park, via the staircase exiting out to the west side of the building, to see if it has sufficient emergency lighting in accordance with BS 5266-1. If the provision is insufficient, then install appropriate luminaires as necessary in accordance with BS 5266-1.</p>
8.	<p>Smoke shaft doors</p> <p>Carry out all works necessary to ensure that no smoke can pass through any smoke shaft doors when closed. In the north block on the top floor, the door was not fully closed and so smoke would be able to leak through the gap.</p>
9.	<p>Firefighting lift</p> <p>The recommendations detailed in the LGC Lift Consultancy Limited report, dated 19 January 2022, should be carried out in full to ensure that the firefighting lift meets the required standard of BSEN 81-72 and BS9999.</p>
10.	<p>Gas riser shaft</p> <p>Assess the ventilation to the gas riser shaft. Carry out such works as are necessary to provide adequate ventilation to the shaft in accordance with BS6891, ensuring that there is no compromise to fire compartmentation.</p>
11.	<p>Fire doors</p> <p>Ensure all fire doors to the staircase on the south block are fitted with appropriate cold smoke seals and meet the FD60S standard. Ease and adjust fire doors and riser cupboard to ensure the gaps between the leaf and frame are within the recommended tolerances (usually 2-4mm to top and sides).</p> <p>Liaise with leaseholders (including head leaseholders) to ensure that they are aware of the importance of correctly functioning fire doors to flat entrances to ensure fire safety. Flat entrance doors should be examined by a competent person to ensure they meet the correct standard of fire resistance and are correctly fitted with intumescent trips, cold smoke seals and an effective self closer device, and are properly installed or adjusted so that gaps between the door leaf and frames do not exceed recommended tolerances (usually 2-4mm to top and sides).</p>
12.	<p>Wayfinding signage</p> <p>Provide and fit appropriate way finding signage throughout the south block, which conforms to the specifications and locations set out in paragraph 15.14 to 15.16 of Approved Document B Volume 1 2019 edition incorporating 2020 amendments.</p>

13.	Secure information box – works completed.