



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

**Case Reference** : HAV/00HG/HIN/2024/0601/ST

**Property** : 11 Market Road, Plympton, Plymouth, PL7  
1QW

**Applicant** : Dawn Matthews

**Representative** :

**Respondent** : Plymouth City Council

**Representative** :

**Type of Application** : Appeal in respect of an Improvement Notice

**Tribunal  
Member(s)** : Judge N Jutton, Mr C Davies FRICS, Ms T  
Wong

**Date and place of  
hearing** : 6 February 2025, Havant Justice Centre,  
Elmleigh Road, Havant PO9 2AL

**Date of Decision** : 10 February 2025

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**DECISION**

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**Communications to the Tribunal MUST be made by email to [rpsouthern@justice.gov.uk](mailto:rpsouthern@justice.gov.uk). All communications must clearly state the Case Number and address of the premises.**

## **Background**

- 1 On 3 November 2023 the Respondent served on the Applicant an Improvement Notice pursuant to the provisions of the Housing Act 2004 in respect of a property known as 11 Market Rd, Plymouth PL7 1QW (the Property). The first page of the Improvement Notice included the following statement:

*‘The person on whom an improvement notice is served may appeal to the First Tier Property Tribunal against the notice within the period of 21 days beginning with the date on which the Improvement Notice was served’.*

- 2 Paragraph 10(1) of Schedule 1 to the Housing Act 2004 provides:

*The person on whom an improvement notice is served may appeal to (the appropriate tribunal) against the notice.*

- 3 Paragraph 14(1) provides that:

- 4 *Any appeal under paragraph 10 must be made within the period of 21 days beginning with the date on which the improvement notice was served in accordance with Part 1 of this Schedule.*

- 5 However, paragraph 14(3) allows the Tribunal to extend the time for lodging an appeal if it is satisfied that there is good reason for the failure to appeal in time. It states:

*(The appropriate tribunal) may allow an appeal to be made to it after the end of the period mentioned in sub-paragraph (1) or (2) if it is satisfied that there is a good reason for the failure to appeal before the end of that period (and for any delay since then in applying for permission to appeal out of time).*

- 6 On 19 September 2024 the Tribunal received an appeal from the Applicant. That was received almost 10 months out of time.

- 7 On 15 January 2025 the Tribunal made Directions for the application to be listed for a hearing on 6 February 2025 to determine as a preliminary issue whether or not there was good reason for the application to be allowed to proceed as it was submitted out of time.

## **8 The Hearing**

- 9 The hearing was attended by the Applicant Mrs Dawn Matthews. The Respondent was represented by Ms Cathy Morley. Both parties attended remotely.
- 10 The Applicant told the Tribunal that she had not been aware that her appeal had been late. That she had always made it clear to the Respondent that she contested the Improvement Notice. That she had always sought to appeal it. There was she felt a duty on the Respondent to advise her as to the process to follow should she wish to appeal. The Tribunal referred the Applicant to the wording on the first page of the Improvement Notice advising that an appeal should be made to the Tribunal within 21 days. The Applicant agreed that she didn't need to be a lawyer to read and understand that but nonetheless she had felt it sufficient to submit her appeal to the Respondent. The Applicant said that correspondence sent by her to the Respondent had not been replied to.
- 11 Ms Morley for the Respondent said that the process to appeal an Improvement Notice was clear. The Improvement Notice had been served on the Applicant both by email and by post. The notice set out the process for an appeal to this Tribunal. Ms Morley said that she wasn't sure what else the Respondent could have done. That certain of the correspondence that the Applicant said had been sent to the Respondent had not been received. Of that which had been received it contained no reference to an appeal. The Applicant was or had been in the business of letting out properties. There was no reason why she should not have been able to read and understand the Improvement Notice and in particular the reference to her right to appeal to this Tribunal. The delay in submitting the appeal to the Tribunal of almost 10 months was substantial. That the Applicant has submitted no good reason for the delay. That subsequent to the service of the Improvement Notice the Respondent had served on the Applicant a Civil Penalty Notice which had not been appealed and had been paid. It was understood that the Applicant has since sold the property.

## **12 The Tribunal's Decision**

- 13 The Applicant has not established a good reason, or indeed any reason, for her failure to submit her appeal to the Tribunal within the 21 day period required by paragraph 14(1) of Schedule 1 to the Housing Act 2004. The first page of the Improvement Notice clearly set out the time limit for submitting an appeal and where it should be sent. It is understood that the Applicant works or has worked in the property letting business. The Tribunal doesn't accept that she could fail to understand the contents of the Improvement Notice particularly as regards her right to appeal. Nor that she reasonably could have believed that correspondence sent directly to the Respondent (itself substantially outside of the time period in which to appeal, and making no reference to an appeal) would have constituted appeal.

14 The Applicants appeal to this Tribunal was made substantially out of time. She has failed to demonstrate a good reason as to why she failed to lodge her appeal in time. Accordingly the Tribunal declines to allow the Applicants appeal to proceed. As such the Tribunal does not enjoy jurisdiction to determine the Applicants appeal.

15 Accordingly pursuant to rule 9 (2) of The Tribunal Procedure (first-tier Tribunal) (Property Chamber) Rules 2013 the Applicants appeal is struck out.

Judge N Jutton

10 February 2025