

IN THE FIRST TIER TRIBUNAL
PROPERTY CHAMBER (RESIDENTIAL PROPERTY)

IN THE MATTER OF FOCUS APARTMENTS, CARR STREET, IPSWICH IP4 1HA – TITLE
NO: SK360737 (the “Building”)

AND IN THE MATTER OF AN APPLICATION
FOR A REMEDIATION ORDER PURSUANT
TO S123 OF THE BUILDING SAFETY ACT 2022

B E T W E E N

SECRETARY OF STATE FOR LEVELLING UP,
HOUSING AND COMMUNITIES

Applicant

- and -

GREY GR LIMITED PARTNERSHIP

Respondent

REMEDICATION ORDER

In respect of Focus Apartments, Carr Street, Ipswich,
IP4 1HA

UPON considering the Applicant’s application for a remediation order pursuant to section 123 of the Building Safety Act 2022 (“**BSA 2022**”), dated 15 September 2023

AND for the reasons set out in the decision dated 4 July 2024

IT IS ORDERED THAT:

1. By no later than 15 June 2026 the Respondent (the relevant landlord) shall remedy the relevant defects (which, the parties have agreed, fall within the meaning of section 120 of the BSA 2022) specified in the attached Schedule at the Building.
2. The Respondent may comply with paragraph 1 by carrying out and completing the remedial works agreed between the parties, as set out in the attached Schedule. If the Respondent proposes to comply with paragraph 1 by carrying out different works, they shall notify the Applicant as soon as practicable, explaining their proposed variations and their reasons, with copies of any essential supporting documents.

3. If the Respondent will be unable to comply with paragraph 1 by 15 December 2025 (or any later completion date proposed in any notification under this paragraph 3), they shall as soon as practicable notify the Applicant and use all reasonable endeavours to notify the leaseholders, explaining their new proposed completion date and their reasons, with copies of any supporting documents.
4. The parties each have permission to apply to the Tribunal at any time after 15 December 2025 to extend the time for compliance with this Order and/or determine any dispute between the parties about whether the time for compliance with this Order should be extended.
5. Any application made under paragraph 4 must be made using the Tribunal's Form "Order 1". The application must be supported by a witness statement endorsed with a statement of truth, with 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 connection with the application. The application must also include a realistic time estimate for the application to be heard and be served on the other party.
6. The Respondent shall notify the Tribunal, the Applicant, and also the leaseholders of the residential apartments in the Building, within one month of the certified date of practical completion of the remedial works, and shall send them copies of plans showing the Building as altered by the remedial works within three months of such notification.
7. By section 123(7) of the BSA 2022, this Order is enforceable with the permission of the County Court in the same way as an order of that Court.

Tribunal: Judge Wayte and Judge Wyatt

Dated: 4 July 2024

Attached: Schedule

Schedule of specified relevant defects and works to remedy them

In respect of Focus Apartments, Carr Street, Ipswich, IP4 1HA

<u>Relevant Defect</u>	<u>Remedial Works</u>
Wall Type 1 (render finish façade) – Wall Type 1 (render finish façade) comprises expanded polystyrene (EPS) insulation beneath a thin-coat (4 to 5mm) organic render fixed back to the existing concrete panels and without effective cavity barriers at compartment wall junctions and around openings where a cavity exists between the concrete panels and inner blockwork leaf.	<ul style="list-style-type: none"> - Wall type 1: Remove EPS and render system and replace with non-combustible material in Wall Type 1 with a new render finish. - Install cavity barriers in Wall Type 1 as required.
Wall Type 2 (opaque infill panels with aluminium framed windows) – comprises a steel frame system (SFS) mounted on a timber wall plate with timber packing around openings and other areas it is infilled with rockwool insulation and lined with a maximum euro class B cementitious boards with toughened glass opaque panels adhered to the external elevation. The wall system has no effective cavity barriers at compartment wall junctions and around window openings.	<p>Wall type 2: Remove toughened glass finish, cementitious boards, timber frames and encapsulate any structural timber that it is not possible to remove. Remediate the SFS frame and fire stop junctions with party walls. Install non-combustible insulation, provide new sheathing board and prefinished Rockpanel cladding system.</p> <ul style="list-style-type: none"> - Install cavity barriers in Wall Type 2 as required.
Absence of a firefighting lift and compliant firefighting shaft within the building.	Upgrade the lift to provide a new fire fighting lift including new diesel generator installed at roof level.

All insulation and other materials installed during the remediation must satisfy Regulation 7(2) of the Building Regulations 2010 as amended 2018, and not covered by the exceptions in Regulation 7(3)¹, where:

¹ Approved Document B 2022 (ADB) Page iii, The Building Regulations. Materials and Workmanship.

“building work shall be carried out so that materials which become part of an external wall, or specified attachment, of a relevant building are of European Classification A2- s1, d0 or A1, classified in accordance with BS EN 13501- 1:2007+A1:2009 entitled “Fire classification of construction products and building elements. Classification using test data from reaction to fire tests” (ISBN 978 0 580 598616) published by the British Standards Institution on 30th March 2007 and amended in November 2009”.

All proprietary fire stopping products, fire barriers and cavity barriers should be installed in accordance with the manufacturer’s instructions in accordance with design details supported by fire testing and or certification under a scheme which is adequate for the purposes of the Building Regulations ^[1].

All works should be documented and all relevant information provided in accordance with Regulation 38 – Fire Safety Information of the Building Regulations.