



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

Case Reference	: HAV/29UH/HIN/2024/0506
Property	: 3 Charles Street, Maidstone, Kent, ME16 8EU
Applicant	: Dr Peter Gavin
Representative	:
Respondent	: Maidstone Borough Council
Representative	:
Type of Application	: Appeal against Expenses Demand – Schedule 3, 11 (1) Housing Act 2004
Tribunal Members	: Regional Judge Whitney Mr David Cottrell FRICS Ms T Wong
Date of Hearing	: 29 July 2025
Date of Decision	: 15 September 2025

DECISION

Background

1. An application was made under schedule 3, paragraph 11 (1) and (4) of the Housing Act 2004 in relation to expenses incurred in taking enforcement action under section 49. Dr Gavin objected to paying for works undertaken by the Council in default with him complying with an Improvement Notice.
2. The application has a long procedural history but was reinstated after a strike out on 13th June 2025 with further directions for the Applicant to supply a bundle. On 11th July 2025 the Tribunal confirmed the hearing would proceed.

Hearing

3. The hearing took place by video on the afternoon of 29th July 2025. The hearing was recorded and below we set out a precis only.
4. The Tribunal had a bundle of 91 pdf pages supplied by the Applicant. References marked A[] are to this bundle. It did not contain any of the documents supplied by the Respondent. The Respondent supplied a statement of Peter Jennings, witness statement of Katrina Hurton and a bundle of documents consisting of 477 pdf pages. References marked R[] to pages within this bundle.
5. The start of the hearing was delayed as Mr Jennings and Ms Hurton, the council representatives had difficulties joining. They eventually joined by telephone only.
6. Dr Gavin joined from Germany. He had not been given permission to give evidence remotely. The Tribunal explained it would not be able to hear any evidence but Dr Gavin could make legal submissions and cross examine the Respondent's witness. The Tribunal confirmed it had read all of the papers referred to above.
7. Dr Gavin explained he had been a landlord for 45 years. He had no legal submissions as such but had lost a lot of money as a result of the Respondent's actions. He did not believe the costs claimed in respect of the council's undertaking the works were reasonable.
8. Ms Hurton gave evidence. She confirmed her statement was true.
9. Dr Gavin cross examined.
10. She confirmed that she understood the letter dated 6th November 2023 R[236] was not received in the post by Dr Gavin as a letter "r" was missing from "Kantstrasse". She stated that she had emailed the letter and Dr Gavin had replied to that email R[240].

11. She confirmed the work undertaken by the Council commenced on 8th November 2023 and practical completion took place on 26th January 2024 which was approximately 6 working weeks allowing for the Christmas shut down.
12. Ms Hurton confirmed due to pressure of work it took a relatively long time for her to issue the demand for payment of £33,707.88 sent under cover of letter dated 2nd August 2025 R[460].
13. On questioning by the Tribunal Ms Hurton confirmed Dr Gavin had been sporadic in his communications.
14. Mr Jennings then gave evidence. He confirmed his statement was true.
15. He stated he was aware of the correspondence his colleague had with Dr Gavin of July and August 2023 to advise him that it appeared the works required under the Improvement Notice had not been completed and the Council would look to undertake the works. He referred to an email sent to Dr Gavin R[199] confirming that the council would look to undertake works.
16. Mr Jennings confirmed that normally in his experience it is rare for the council to have to undertake the works in default.
17. Mr Jennings stated he could only recall one property with a single skin outside bathroom where action had been required as was the case in Dr Gavin's property. That was some years ago. His recollection was that enforcement action was not required in that case.
18. In submissions Mr Jennings stated that the alternative quotes provided by Dr Gavin were not like for like and did not cover the full extent of the works actually undertaken in compliance with the Improvement Notice. Further he explained the contractors were not ones who would satisfy the councils requirements in respect of holding appropriate insurance and qualifications and the like although he acknowledged that most of the work was general building in nature.
19. In his submission the council was left with no option but to undertake the works.
20. Dr Gavin thanked the council for undertaking the works. He did however consider their costs excessive.
21. He felt the council had acted impulsively rather than undertaking a full consideration of the age of the house and looking at the "whole picture".

Decision

22. We thank the parties for their submissions.

23. We remind ourselves that we are not looking at the Improvement Notice and its requirements which had not been appealed. The appeal related to the costs the Respondent local authority was seeking to recover totalling £33,707.88.
24. We observe that Dr Gavin in giving his evidence appeared to accept that all the works had been required. Dr Gavin however suggested he was getting on with the works and he would have completed the same. He criticised the council for what he said was a lack of communication.
25. We are satisfied and find having regard to the witness evidence of Ms Hurton and the bundle that the council had tried extensively to communicate with Dr Gavin. He was aware of the issues with his Property even prior to the Improvement Notice the subject of these works. An earlier notice was served and revoked. The council clearly set out what steps to undertake. We are satisfied that if Dr Gavin was arranging works after the 3rd August 2023 email referred to in evidence it was incumbent upon him to proactively communicate with the council if he did not wish them to undertake the works.
26. Dr Gavin takes issue over one letter he says he did not receive by post. We find he did receive the letter by email and acknowledged the same. We are satisfied that all of the required notices came to the attention of Dr Gavin and the council followed the correct procedure. We are satisfied that the notices seeking recovery of the costs have all been properly served upon Dr Gavin and we find the council had the right to levy a charge.
27. Dr Gavin told us how he had been a landlord for 45 years. He managed this Property from his home in Germany. As such it is for him to ensure he has the appropriate arrangements in place to undertake works as and when required. It is clear from the information contained within the bundle that he had not addressed fully having the works done.
28. As to the costs the Respondent has provided a clear breakdown. We are satisfied it is reasonable for the Council to have instructed professionals to supervise and oversee the works. We consider the same to be reasonable and proportionate given the costs of such works would be charged to a third party, Dr Gavin. Whilst Dr Gavin has provided some quotations for items of the work we accept the evidence of Mr Jennings that the quotes are not like for like and do not cover the entirety of the works undertaken.
29. It is for Dr Gavin to satisfy us that the costs incurred have not been properly incurred. Dr Gavin appears to accept some costs are chargeable although he does not appear to specify a figure save he refers to the total of the most expensive quotes he has received totalling

about £24,000. We have found such quotes did not cover the totality of the works required.

30. He criticises Ms Hurton for the time it took to render the charge. Ms Hurton explained the delay and we cannot see any reason why this should impact upon the amounts the council can recover. Effectively the Applicant had what might be said to be a “credit” period of some 6 or 7 months before he was required to contribute towards the costs incurred.
31. Overall we are satisfied that the sum claimed of £33,707.88 is fair and reasonable and payable by the Applicant to the Respondent. We dismiss the appeal.

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
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.