



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

Case Reference : **MAN/00CE/HIN/2024/0043**

Property : **129 the Crescent, Dunscroft,
Doncaster DN7 4ES**

Applicant : **Ajibola Agbeke Tobi Lawal**

**Respondent
Representatives** : **The City of Doncaster Council
Joanne Robinson-Housing Manager**

Type of Application : **Appeal against an Improvement Notice-
Housing Act 2004 Schedule 1,
Paragraph 10(1)**

Tribunal Members : **Tribunal Judge J. E. Oliver
Tribunal Member S. A. Kendall**

Date of Determination : **30th July 2025**

Date of Reasons : **4th August 2025**

Date of Amendment : **20th August 2025**

AMENDED DECISION

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Decision

1. The Improvement Notice dated 8th August 2024 relating to 129 The Crescent Dunscroft, Doncaster is confirmed, as amended.
2. The amendment to the Improvement Notice is the deletion of the requirement to remove vegetation present in the front guttering as contained in 1(a) of Schedule 1.
3. The remedial work is to commence within 28 days of the receipt of this decision by the parties and the work is to be completed within 56 days thereafter.

Background

4. This is an appeal by Ajibola Agbeke Tobi Lawal (“the Applicant”) in respect of an Improvement Notice dated and served on 8th August 2024 (“the Notice”) for 129 The Crescent, Dunscroft, Doncaster (“the Property”) by The City of Doncaster Council (“the Council”).
5. The Notice specified both Category 1 and 2 hazards as follows:

Damp and Mould-Category 2

- (a) Small amount of vegetation present to the front guttering.
- (b) Damp present on rear wall of living room as well as rear LHS walls of kitchen.
- (c) Disrepair to seal around sink and rear of worktop.
- (d) Black mould present on RHS wall of kitchen
- (e) No mechanical ventilation in kitchen.

Excess Cold-Category 1

- (a) Gap under front door allowing a draught.
- (b) Windows do not seal shut in bathroom, front bedroom and living room and therefore have a gap which allows draught.
- (c) Large hole in plasterwork behind the radiator to the rear of the living room allowing a significant draught.
- (d) Damp present on rear wall of living room as well as rear and LHS walls of kitchen

Falls on level surfaces -Category 2

- (a) No door strip present between kitchen and living room as well as in the doorway to the rear bedroom
- (b) Door strip not secure in doorway to front bedroom

Falling on stairs-Category 2

- (a) Handrail not secure.
- (b) Carpet threshold strip to top of stairs is not secure.

Electrical hazards-Category 2

- (a) Slight gap above electrical socket in Landing area.

Collision and entrapment – Category 2

- (a) Door handles to front bedroom and kitchen door from living room were missing.

Position and operability of amenities – Category 2

- (a) Window in bathroom does not easily open and close.
 - (b) Door handles to front bedroom door and kitchen door from living room were missing.
6. The Improvement Notice required the necessary works to be started by 8th September 2024.
 7. The Respondent also served upon the Applicant a demand for payment of costs in the sum of £125.70, but that was not included within the appeal.
 8. On 29th August 2024 the Applicant filed an appeal against the Notice.
 9. On 5th February 2025 directions were issued providing for both parties to file their statements and documents in support and thereafter for the matter to be listed for a hearing.
 10. The application was listed for an inspection and a hearing on 30th June 2025.

The Property/Inspection

11. The Tribunal attended the Property which is an end terrace house with external cladding in common with other houses in the neighbourhood having a small entrance hall, front and back living rooms, kitchen, bathroom and 2 bedrooms. There are 2 outside brick-built outhouses, both being in significant disrepair. There are gardens to both the front and rear of the Property.

12. The inspection was attended by Joanne Robinson and Harry Dowker from the Council and a representative for the Applicant, Temi Ademuwagun. The tenant, Ms Eri Suzuki objected to the Applicant's representative entering the Property and the inspection was therefore carried out by the Tribunal only.
13. Ms Suzuki was accompanied throughout the inspection by her PA, Adriana Nica.
14. Ms Suzuki confirmed the tenancy had commenced on 11th April 2023 when she and her then partner moved into the Property. There had been no inspection of the Property prior to acquiring the tenancy since they lived away from the area. When they moved into the Property, there was already disrepair. For example, the door handles mentioned in the Notice were missing and had never been replaced. The outbuildings were full of the previous tenants' possessions and had never been cleared. There had been other disrepair during the tenancy that was not included within the Notice namely the Perspex roof on the outbuilding had blown off in a storm and was still missing. Recently a piece of the roof of the smaller outbuilding had fallen off and had hit her on the head. She did not put on the heating because the cost of trying to maintain heat in the Property was unaffordable due to the draughts and damp.
15. The Tribunal noted the handrail on the stairs was only attached by the middle fixing and thus unsafe. Ms Suzuki confirmed the lower fixing was broken when she took possession of the Property and the upper one had since broken. All the treads between rooms were covered in gaffer tape due to raised screws in the door strips. There was no door strip between the kitchen and living room, nor in the doorway to the rear bedroom.
16. There was no door fitted to the rear bedroom although a door was propped up in the room. Ms Suzuki advised this was the position when the tenancy commenced; the door did not even have any door furniture fitted.
17. In the kitchen the seal to the sink was ineffective and there were signs of rot to the work surface. The taps were insecure. Ms Suzuki advised she was unable to use the base units in the kitchen due to mould. The Tribunal noted signs of rust to the door hinges and a smell of damp. There was evidence of significant damp to the wall above the cooker where the paint was peeling and falling onto the hob. There was also black mould affecting the kitchen ceiling.
18. The Tribunal noted the gaps in the windows as identified in the Improvement Notice.
19. The Tribunal found there was a hole in the living room wall that allowed a draught into the Property.
20. There were additional defects in the Property that were not included within the Notice. Ms Suzuki advised the gas fire and back boiler in the rear living room had been condemned. The central heating thermostat was said not to work.

21. The Tribunal found the majority of the damp was either penetrating or rising damp, neither of which was caused by Ms Suzuki's lifestyle.
22. The Tribunal noted Ms Suzuki kept more than the average number of pets. However, these were clean, caged where necessary and there were no smells associated with them. She advised a complaint had been made to the RSPCA but they had attended at the Property and had no concerns.
23. Ms Suzuki confirmed the vegetation had been cleared from both the front and rear gutters, but save for that, none of the work identified in the Notice had been done.
24. Ms Suzuki advised the Tribunal that she had been made aware by the Council the Applicant had introduced video evidence to which she objected. It had been taken by the Applicant when she was visiting the Property with two valuers on 15th October 2024 and other members of her family. She had been unaware a video was being taken and was distressed to learn it had been taken and she objected to it. She was advised the Tribunal had given permission for it to be admitted into evidence and had been viewed.
25. After the conclusion of the inspection, the Tribunal was told the Applicant would be unavailable to attend the hearing since she was in Nigeria. The Tribunal advised arrangements would be made for the Applicant to attend the hearing by telephone as she requested.

The Law

26. The Housing Act 2004 provides the framework for the assessment of the condition of residential properties and the remedies that can be used to enforce standards in respect of them.
27. The Housing Health and Safety Rating System (HHSRS) provides a rating system for hazards. The score will determine which category the hazard falls; a score over 1000 will be a Category 1 hazard and those below 1000 will be a Category 2 hazard.
28. Section 7(2) of the Act provides that if a Category 2 hazard exists then a local authority must take the appropriate enforcement action which can be an improvement notice, prohibition order, a hazard awareness notice, emergency remedial action, demolition order or declaring the area in which the premises are situate, a clearance area. The Act further provides that if only one course of action is appropriate, that course must be taken, or if there are two or more courses available, then the local authority must take the one deemed to be most suitable.
29. Section 12 of the Act provides that if the local authority is satisfied that a Category 2 hazard exists and it serves an improvement notice that is a course of action open to a local authority.

30. Section 12(2) requires the person upon whom the improvement notice is served to take remedial action in respect of any of the hazards that are specified.
31. Schedule 1, paragraph 14 (1) of the Act provides that a person upon whom an improvement notice has been served may appeal to the First-tier Tribunal within 21 days beginning with the day upon which the improvement notice was served. The grounds for the appeal are set out in paragraphs 11 and 12 of the Act. Paragraph 13 provides an appeal may be made against the decision by a local authority to vary or revoke an improvement notice.
32. Schedule 1, paragraph 15 provides for the First-tier tribunal to deal with any appeal by way of re-hearing, thus allowing it to consider the property at the date of the hearing and consider matters of which the local authority may not have been aware at the date the notice was served. The Tribunal has the power to confirm, quash or vary the improvement notice.

Submissions/Hearing

33. Joanne Robinson and Harry Dowker attended the hearing on behalf of the Council. The Applicant did not attend the hearing by telephone as arranged and the Tribunal therefore relied upon her written submissions.
34. In her written submissions, the Applicant made several points in answer to the Improvement Notice.
35. The first was that the complaint by Ms Suzuki to the Council and the resulting Improvement Notice prevented her from seeking possession of the Property. The Council responded to this by stating possession proceedings remained an option by relying upon section 8 of the Housing Act 2024.
36. The second was the condition of the Property was caused by there being too many animals in the Property, the tenant putting cardboard over the windows, thus causing the damp and the mould. Further, refuse has been allowed to accumulate in the garden and the tenant has refused access to contractors. The dogs have been “*scratching out underneath the flooring at door entrances especially the front door, this more than likely has led to increased draught from the outside through the doors*”. The Applicant referred to the animals being loose and going onto neighbouring properties causing a nuisance. It was also said the Ms Suzuki had trespassed on a neighbouring property and had entered it without permission. A complaint had been made to the Council.
37. The third was the Applicant was struggling financially and due to the tenant failing to pay the rent, the mortgage repayments and repairs are unaffordable. The Tribunal was referred to **Dover District Council v Farrar (1982) 2 HLR 32**.
38. The Applicant referred the Tribunal to medical evidence filed to show the impact of hoarding and the fact Ms Suzuki was hoarding both possessions and animals.

39. The Applicant further complained Ms Suzuki was not allowing access for works to be carried out stating that 3 different contractors have attended the Property and have each refused to carry out works because of the “*stench*” caused by the animals.
40. The Applicant confirmed she had visited the Property on 15th October 2024 when video evidence had been taken. The Property was untidy. The animals were malnourished. The door handles were missing because bags were being hung on them
41. In its written submissions to the Tribunal the Council set out the history of its dealings with the Property.
42. On 22nd March 2023 Ms Suzuki had made a complaint to the council regarding the condition of the Property which resulted in an inspection on 16th April 2024. As a result of that, a Hazard Awareness Notice was issued to the Applicant on 30th April 2024. At that time the Property was managed by The Champions Group who advised quotes would be sought for the works identified. There was correspondence from the Applicant advising the management of the Property had been changed to Alex Widdup.
43. Due to the lack of progress the Council issued the Notice on 8th August 2024.
44. On 14th August Alex Widdup telephoned the Council and advised the remedial work was required prior to the commencement of the tenancy but his involvement ended on 1st October 2024 when he advised he was no longer managing the Property.
45. Joanne Robinson and Harry Dowker confirmed their written evidence. In response to the Applicant’s complaints Ms Suzuki was a hoarder and this was the cause of the damp within the Property, Joanne Robinson stated that whilst it could be said Ms Suzuki was untidy, she was not a hoarder. At the time of their inspection there was sufficient room to move freely around the Property and her possessions were not the cause of the dampness and mould.
46. The Tribunal raised the issue of the number of animals in the Property and whether they were thought to be a cause of the issues contained within the Notice. Joanne Robinson advised they were not viewed as an issue and the Council had no concerns regarding them. The Applicant had raised matter of dog faeces being seen bagged in the back garden as evidence of poor management of the animals. Joanne Robinson considered this to show the contrary, namely that this showed evidence of good animal husbandry. It was further confirmed that although the Applicant had asserted the animals went into neighbouring properties and Ms Suzuki had also trespassed such that a complaint had been made to the Council, there was no evidence of any such complaints in the Council records.
47. In respect of the Applicant’s assertion the lack of heating in the Property exacerbated the problem of damp and mould, Joanne Robinson disagreed. She stated the draughts and disrepair would prevent the tenant from heating the Property to a sufficient level to remove the condensation caused. The cost of heating the Property to achieve this would be excessive.

48. The Tribunal noted that at the inspection, most of the double-glazed units were blown. It was confirmed this would affect their integrity and therefore the heat within the Property.

Determination

49. The Tribunal considered the evidence provided to it and determined the Improvement Notice is justified and is confirmed, the only alteration being the work to the gutters is no longer required. This work has been completed.
50. It considered the objections raised by the Applicant and the evidence of both Ms Suzuki and the Council. It found the evidence of Ms Suzuki to be reliable; her assertions regarding the condition of the Property were supported by the state of the Property at the inspection and by the observations of the Council.
51. There was nothing found at the inspection to suggest any of the disrepair was caused by the animals. The gap under the front door was not caused by the dogs scratching at the floor as suggested by the Applicant. The door was ill fitting and requires adjustment.
52. There was also no evidence before the Tribunal to support the Applicant's assertions Ms Suzuki was a hoarder and that was the cause of the mould and damp, nor the fact that she kept numerous animals. Neither the Council nor the Tribunal, at its inspection, found any evidence to support this. The damp at the Property was either penetrating or rising. Neither could be attributed to the tenant's lifestyle.
53. The Applicant did not deny the works identified in the Notice were unnecessary but alleged they were caused by Ms Suzuki. This was at odds with the information provided by both The Champions Group and Alex Widdup, as the managers of the Property. During their management they had both sought to obtain quotes for the works but had not received any instructions to proceed. Alex Widdup had confirmed to the Council the works were required before the current tenancy began.
54. Whilst the Tribunal accepted the Applicant may suffer from financial hardship from the lack of payment of the full rent, that is not an excuse for a failure to comply with the Improvement Notice.
55. The Tribunal noted the video evidence provided by the Applicant had been taken without the consent of Ms Suzuki. It had been admitted into evidence and was therefore viewed by the Tribunal. It did not add anything to the information already provided and had no material value in assisting the Tribunal to reach its decision.