



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

Case Reference	: HAV/29UG/HIN/2025/0614
Property	: 95 Peacock Street, Gravesend, Kent DA12 1EG
Applicant	: Dalian Luke Gill
Representative	: Mr L Barraclough, counsel
Respondent	: Gravesham Borough Council
Representative	: Kyle Rogers, solicitor for the Council
Type of Application	: Appeal against an Improvement Notice - Schedule 1, para 10(1) Housing Act 2004
Tribunal Member	: Regional Judge Whitney Mr M Jenkinson
Date of Hearing	: 16 October 2025
Date of Decision	: 4 December 2025

DECISION

Summary

We are not satisfied that there is good reason to extend time. The application having not been made in time we strike out the same on the basis we do not have jurisdiction.

Background

1. On 30 June 2025 the Applicant submitted an Application to Appeal against an Improvement Notice dated 25 April 2023.
2. The Tribunal notes from the Applicant's statement of case that it appears he also refers to a Financial Penalty Notice dated 2 August 2025. As stated in the original directions notice dated 2 September 2025 if he wishes to appeal the same this is a separate application that needs to be made to the Tribunal and would incur a separate application fee. The Tribunal understands that the Respondent Council have taken separate proceedings in the county court in relation to this financial penalty.
3. The Applicant is seeking,

an extension under Rule 6(3)(a) due to improper service and late discovery, ahead of the county court trial (L12YX442, now scheduled for 3 July 2025).
4. The Tribunal has served a copy of the appeal upon the Respondent Council.
5. Schedule 1, paragraph 14 (1) of the Housing Act 2004 states that:

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.

As the Improvement Notice was dated 25 April 2023, it appears that the application to appeal has been made out of time.
6. However, Schedule 1, Paragraph 14 (3) of the Housing Act 2004 states that:

[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).
7. The Tribunal needs to be satisfied that there is good reason for the late submission of this appeal and the Tribunal decided that a preliminary hearing was necessary to enable it to make its decision whether to proceed with the application. Directions were issued dated 2 September 2025 listing the same for a remote hearing and providing

directions for submission of any evidence either party sought to rely upon.

Hearing

8. The hearing took place remotely on 16 October 2025 by Cloud Video Platform. The hearing was recorded and below is a precis only. The Tribunal was supplied with a bundle by the Applicant consisting of 218 pdf pages. References in [] are to pages within that bundle.
9. The start of the hearing was delayed because of difficulties connecting all the parties.
10. Mr Barraclough represented the Applicant who also attended. The Respondent was represented by Mr Rogers with Clare Reynolds and Yassir Kilmister in attendance from the Council.
11. At the start of the hearing the Tribunal flagged that the Council's position was that the improvement notice had been revoked on 23 May 2024 once all the works had been completed. Further the Applicant had not lodged any appeal against the Civil Financial Penalty issued against the Applicant and which was the subject of separate County Court proceedings. The Tribunal suggested that in effect the wrong appeal had been lodged. The Tribunal adjourned to allow Mr Barraclough to take instructions as to whether he wished to proceed with this application.
12. Upon resumption he confirmed he was instructed to proceed.
13. Mr Barraclough submitted that whilst arguably the service at the Land Registry address was correct the case of *Tabassam v Manchester City Council [2024] UKUT 93 (LC)* is a relevant authority and he referred the Tribunal to paragraphs 26-34.
14. Mr Barraclough suggested the facts in *Adil Haziri, Fatjon Qela v London Borough of Havering [2019] UKUT 330 (LC)* were different as his client had an explanation as to the late application.
15. Mr Barraclough called Mr Gill. He confirmed his statement [206 & 207] was true. Mr Gill was cross examined and asked questions by the Tribunal on the same.
16. Mr Gill explained that the pack containing the court proceedings was discovered by his agents Crown Services (Kent) Ltd ("Crown") on 4 March 2024. His main focus was on the claim form as he had not been involved in Court proceedings before.
17. Mr Gill confirmed the statement from his agents at [208 & 209] was given by his father who ran Crown. He defended the county

court claim on his father's advice. His father had been responsible for the letting on his behalf.

18. Mr Gill explained this was the first property he had purchased. He also now owned the Prince Albert Pub. He confirmed that 100C Wrotham Road was now owned by his father. He had an interest in Whitehall Place, a business centre. He confirmed the companies named on the tenancy agreements for 27 Annex Wrotham Road were what he described as family companies. His father acts as the managing agent on a rent to rent basis.
19. He is in business providing bridging finance. This may relate to property finance.
20. Mr Gill explained he wanted to deal with the claim form as a priority. He thought the local authority would be reasonable. He confirmed he read the improvement notice and ensured all works were undertaken.
21. Mr Gill confirmed that 27 Annex Wrotham Road is now owned by another family member. He stated he had not spoken to them for over 10 years.
22. Mr Rogers made submissions on behalf of the Council. He relied on *Haziri*. In that case a delay of 10 days was found to be significant. The delay here was significantly longer. He suggests if it is accepted that Mr Gill was first made aware of the Improvement Notice on 4 March 2024 it took 483 days for him to appeal the same.
23. Further he submitted that the improvement notice no longer exists given it has been revoked and so the appeal is of no practical effect. The notice was revoked as the works were completed.
24. He suggested that the Applicant's father was on the evidence put forward an experienced property professional. The Civil Financial Penalty [71] makes clear the different roles played by the County Court and the Tribunal. He suggests there was no misunderstanding by the Applicant who within his defence to the county court [77] made reference to the case of *Tabassam*. He suggests by referring to this case the Applicant must have been aware the correct venue for his appeal was to this Tribunal.
25. Finally he submitted that the prejudice to the Council was serious given the time that has elapsed and the County Court proceedings.
26. Mr Barraclough replied briefly suggesting that his client had not understood the guidance. It was only on checking on matters in preparing for the county court final hearing that he had realised the need to appeal to this Tribunal.

27. He invited the Tribunal to extend time.

Decision

28. We thank all parties for their submissions. We have had regard to all that was said and included within the bundle. We have considered carefully the two authorities cited.
29. We remind ourselves the test we must apply is set out in paragraph 6 above. That being that there is a good reason for the delay in making the application to appeal.
30. We accept the evidence that Mr Gill no longer lived at 27 Wrotham Road when the Improvement Notice was served on 25 April 2023. However on Mr Gill's own evidence he became aware of the existence of the Improvement Notice on or about 4 March 2024.
31. As an aside we would remind Mr Gill he should ensure that the address at the Land Registry for service upon him is accurate. Land Registry practice today allows more than one address and the inclusion of a proper address may have averted the problems the Applicant now faces. It is reasonable for people to assume the address at the Land Registry is up to date and we direct no criticism at the Respondent for using this address.
32. It is noteworthy that the works were completed. Mr Gill does not appear to object to the works which were included within the Notice which he caused to be completed and the Notice was then revoked. He has effectively acted in acceptance of the notice albeit belatedly given he says he did not receive the same until March 2024.
33. The court proceedings have continued with a defence being filed by Mr Gill on 16 March 2024. This appeal was lodged on 30th June 2025. Mr Gill says after he realised in preparing for the separate county court proceedings in relation to a civil financial penalty that he should have lodged an appeal with this Tribunal.
34. Mr Gill gave evidence. At times we found his evidence far from credible. Mr Gill was unclear as to what properties he had owned and the periods. It appears that properties may have been in his name or other family members and he was not clear as to the ownership. This may be because it was his father that was the controlling mind as to the ownership but he had not attended to give oral evidence despite a statement being included and the hearing taking place remotely. Equally we find as a person involved in the provision of bridging finance we would expect him to have an understanding as to how the ownership of property works and the need to keep Land Registry entries up to date as to addresses and the like.

35. We accept Mr Gill's evidence he only become aware of the Improvement Notice in March 2024 when he received via Crown a copy of the county court claim and supporting documents. In so determining it is from that point up to June 2025 that we need to satisfy ourselves there was a "good reason" for delaying the appeal.
36. Mr Gill told us how he relied upon advice from his father. He told us his father acted as an agent, all be it now in a semi retired capacity. We find his father was an experienced property professional. Further we find as a finance specialist who has himself owned various properties we would expect Mr Gill to recognise the potential serious nature of the notices which he agreed he received in March 2024 together with the supporting notes.
37. We agree with Mr Rogers that the reference to *Tabassam* within the defence filed to the County Court should have placed Mr Gill on notice of the need to apply to this Tribunal. We find it is unusual for a self represented party to refer to case law in such a way without having a wider understanding. Mr Gill suggests it was the receipt of the bundle for the County Court hearing which alerted him to the need to apply to this Tribunal. He does not state what within that sparked his knowledge given all the documents appear to have been provided previously.
38. We do accept that there would be prejudice to the local authority if we were to allow this appeal. The events leading up to the improvement notice and evidence must now be stale given it was over two years ago. Further the local authority has pursued the issuing of a civil financial penalty and county court enforcement proceedings. No challenge to the civil financial penalty has been issued despite this failing being flagged in the original directions and Mr Gill having the benefit of professional representation. However the test requires us to find a good reason.
39. We are not satisfied we can identify a good reason for the substantial delay. The delay on Mr Gill's own case is of about 15 months. On his evidence he received the Notice in March 2024 with all accompanying notes. He then acted upon the notice which demonstrates he must have read and fully considered the same. He offers in our judgment no credible reason as to why he did not take action at that time. Further even if we were so satisfied we are not satisfied that the application can and should proceed given the Improvement Notice itself, having been complied with late has now been revoked.
40. We have stood back and considered if there are any other reasons why we should extend time. In the circumstances of this case taking account of all the submissions and evidence we are satisfied we should not. We are satisfied that no good reason has been found

to extend the statutory time limit for bringing an appeal. The application having not been made within 21 days the application is struck out on the basis we do not have jurisdiction pursuant to Rule 9 (2)(a) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013.

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.