



FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference : MAN/00DA/HYI/2023/0011

Building : Cypress Point
Leylands Road
Leeds
LS2 7LB

Applicant : Junestead (Cypress Point) Limited

Respondents : Thomas Goodwin & Others (see Annex)

Type of Application : Variation of a Remediation Order made under s123 of the Building Safety Act 2022

Tribunal : Judge J Holbrook
Regional Surveyor N Walsh
Mr J Stead

Date of Decision : 9 October 2025

DECISION

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The Remediation Order is varied in the following ways:

- A. The date in paragraph 1 (by which relevant defects affecting the Building must be remedied) is amended to 31 December 2026.
- B. In addition to complying with its obligations under paragraph 4 of the Order, the Landlord shall henceforth be required to provide the Leaseholders with regular progress updates on the planning, commissioning and execution of the remediation works, at intervals of no more than two months.

REASONS

Application and hearing

- 1. On 29 July 2024, the Tribunal made a remediation order (the Remediation Order) in respect of the Building under section 123 of the Building Safety Act 2022. That Order required Junestead (Cypress Point) Limited (the Landlord) to remediate specified relevant defects by 31 July 2025.
- 2. The Remediation Order gave the parties permission to apply to extend the time for compliance and, on 5 June 2025, the Landlord applied to vary the specified completion date from 31 July 2025 to 31 December 2026.
- 3. The Remediation Order was made on the application of the majority of the Building's long leaseholders, listed in the Annex hereto. Those leaseholders (the Leaseholders) are therefore respondents to the Landlord's application to vary the Order. They objected to that application, which was therefore the subject of a hearing (held by video) on 11 September 2025. The Landlord was represented at the hearing by its director, Lionel Levine, and by Robert Anderson of Square One Property Consultants. The Leaseholders were represented by one of their number, Thomas Goodwin.
- 4. The Tribunal did not inspect the Building, and judgment was reserved. Following the hearing, and while the reasons for this decision were being finalised, Mr Levine submitted additional brief representations and additional documentary evidence. Whilst we have noted the contents thereof, they have not affected our decision.

Current status of remediation scheme

- 5. The Tribunal decision which accompanied the Remediation Order summarised the status of plans to remediate the Building as at the date of the hearing on 9 July 2024. We said this at paragraph 16:

"We understand that contractors and consultants selected under an agreed government framework arrangement have now been identified and that the main contractor is currently working up a full design and tender costs package under a pre-contract services agreement. A final costs schedule has still to be produced and approved, however, and the Respondent has not yet entered into a grant funding agreement with Homes England in respect of the [remediation] works. Whilst the works themselves should take no more than four to six months to complete, there is still no start date for the [remediation] works to begin on site."

6. In specifying a completion date of 31 July 2025 for the remediation works, we took the view that the Landlord would thereby be afforded a reasonably generous period within which to commence and complete the works, factoring in time for it to first complete its discussions about grant funding with Homes England, as well as other pre-construction processes and activities.
7. Regrettably, however, events since the original hearing have not unfolded as smoothly as had been anticipated. In particular, further consideration of the design of the works has resulted in a revised scheme which is significantly more complex than the scheme originally proposed. There have been complications in finding a solution for compartmentation works to the existing secondary staircase. In addition, the specification for remediating the external walkways has been altered in light of revised technical requirements: a phased approach to these works has now been adopted, which will involve decanting four flats at a time from each floor of the Building whilst maintaining access to all other floors (and this obviously has implications for the overall timing of the works).
8. Delay in finalising the project specification in turn caused delay in applying for the necessary planning permission for the works, but planning permission was granted in April this year. However, the proposed works also require the approval of the Building Safety Regulator (the BSR). The Landlord struggled to find consultants who were willing and able to submit the necessary application for BSR approval, but an application was eventually lodged on 24 August. The Respondent understands that the BSR will take approximately 16-20 weeks to deal with that application.
9. Mr Anderson informed us that, given the increased complexities of the project, the anticipated cost of completing the works has now risen from £800,000 to approximately £2 million. Fortunately, Homes England provisionally confirmed (on 8 September 2025 – just days before the RO variation application was heard) that grant funding through the Cladding Safety Scheme will be available to cover the entirety of these costs. Such funding is conditional upon BSR approval being granted for the works, and on the Landlord entering into a formal grant funding agreement.

10. A contractor has been selected to carry out the remediation works and the intention is to enter into a building contract upon receipt of BSR approval for the works. Thereafter, it is anticipated that the build programme will take 50 weeks to complete.

Discussion

11. The continuing delay in remediating the Building's fire safety defects is a cause of considerable frustration to the Leaseholders: they are understandably concerned, not only about the safety of the Building and its residents, but also about the ongoing adverse impacts which the Building's condition has on the marketability of their flats. In essence, they objected to the Landlord's application to vary the Remediation Order for two reasons: first, because the reasons why the original remediation timetable turned out to be unachievable had not been properly explained to them; and, second, because they feared that the additional delays were an indication that the Landlord was simply dragging its feet pending a decision about the award of grant funding.
12. We made it clear in our original decision that time for compliance with the Remediation Order would not be extended without good reason, and that further delay in obtaining grant funding for the necessary works would probably not be considered a sufficiently good reason. That remains our position. Nevertheless, whilst Mr Levine has been candid in his view that the works cannot be undertaken in the absence of grant funding, we are satisfied that the current situation is not one in which the Landlord has disregarded the requirements of the Order simply because it was awaiting a grant-funding decision. There are a number of factors which lead us to this view:
 - First, it is apparent that the Landlord has been endeavouring to progress the works since the Remediation Order was made. Quite apart from its efforts to secure grant funding, the Landlord has been working to select and appoint suitable consultants/contractors; to finalise the design and specification for the remediation works; and to obtain the necessary planning and regulatory approvals.
 - Second, for the reasons noted above, finalising the design and specification for the works has been more challenging than had been anticipated.
 - Third, the relevant regulatory requirements applicable to the proposed works have changed since the Remediation Order was made: in particular, neither the parties nor the Tribunal had appreciated that, in addition to planning permission, separate BSR approval would need to be obtained for the works.
 - Fourth, nor was it anticipated that the BSR approval process would itself give rise to significant delay or, indeed, that the Landlord would

struggle to find appropriate consultants to manage the approval application process on its behalf.

13. We are therefore satisfied, with the benefit of hindsight, that the original completion date specified in the Remediation Order was both unrealistic and unachievable. It is therefore appropriate that the Order should be varied to extend the time permitted for the works to be completed. The Landlord anticipates obtaining BSR approval for the works towards the end of this year, and thereafter implementing a 50-week build programme. On this basis, we consider it appropriate to vary the date by which the relevant defects in the Building must be remedied from 31 July 2025 to 31 December 2026.
14. Finally, however, we return to the matter of Leaseholders' concerns about progress of the works. It was apparent to us at the hearing in September that, whilst there had been plenty of activity to progress planning and preparation for the works to be carried out, that activity had not necessarily been visible to Leaseholders and, from their perspective, there had been something of an information vacuum. Whilst it is not surprising that plans sometimes need to change when dealing with a complex project such as this, Leaseholders have a legitimate expectation to be kept properly informed. We therefore welcomed the acknowledgments from both Mr Levine and Mr Anderson that additional efforts should be made from now on to improve the information flow to Leaseholders. We consider it appropriate for the Remediation Order to require the provision of regular updates to Leaseholders, and we therefore also vary the Order to include such a requirement.

Signed: J W Holbrook
Judge of the First-tier Tribunal
Date: 9 October 2025

ANNEX

(List of Applicant leaseholders)

Flat Number	Applicant's Name
2	Adam Murray
8	Yin Wah Ho
10	Sio Hong Mak
11	Venkata Satyanarayana Thumu
12	Ben Thompson
15	Thomas Goodwin
16	Chris Hand
18	Sam Norris
19	Cheuk Kit Ho
20	Penguino Properties Ltd – Katy Maslin
21	Graham Charles Turrell
23	David Thomson
24	Gordon D Shaw
25	Venkata Satyanarayana Thumu & Ajantalakshmi Chintam
26	David Cant
29	Neal Avent
30	Bandana Gurung
31	Neil Campbell
32	Stephen Richardson
34	David Roberts
35	Aaron Dobie
36	Ben Murray
37	Yu Chun Wong
38	Ben Thompson
41	Alagan Sathianathan
43	Naomi Gibson