



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

**Case Reference(s) : BIR/00CN/BSA/2024/0601**

**Properties : Ridley House, Ridley Street,  
Birmingham, B1 1SA**

**Applicants : Kilgarven Holdings Limited**

**Applicant's Representative : Mr Michael Flower instructed by the Applicant**

**Respondent(s) : (1) Grey GR Limited Partnership  
(2) Seven Capital (Ridley) Limited**

**Representative(s) : (1) Jennie Gillies instructed by DAC  
Beachcroft LLP  
(2) David Sawtell instructed by Trowers &  
Hamblins LLP**

**Type of Applications : Building Safety Act 2022 s.123(2) application for  
a remediation order**

**Tribunal : Judge D Barlow  
V Ward FRICS**

**Date of Decision : 11 November 2025**

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**DECISION**

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*Re-issued on 12 January 2026 and sent with copy of correct version of the Remediation Order annexed to the decision*

## **Summary of the Tribunal's decision**

The Tribunal makes a Remediation Order by consent in respect of Ridley House, Ridley Street, Birmingham, B1 1SA ("the Building") in the terms of the Order set out in the Annexe to this decision.

## **Background**

1. This is an application under the Building Safety Act 2022 by Kilgarven Holdings Limited, the leaseholder of Apartments 107 and 209 Ridley House for a remediation order against Grey GR Limited Partnership, the relevant landlord under section 123(3).
2. Seven Capital (Ridley) Limited ("Seven Capital") is a subsidiary of Seven Capital PLC, which became a signatory developer to the Government's Developer Remediation Contract in November 2023. Seven Capital acquired the site in 2016 and is a developer under section 124(3)(c). Seven Capital was joined as Second Respondent to the proceedings, at its request. While it is not a party against whom the Tribunal has jurisdiction to make a remediation order, the Tribunal is able to make directions in relation to the proceedings until the relevant defects in the Building have been addressed to the satisfaction of the Tribunal. Seven Capital has agreed to the terms of the remediation order set out in the Annexe to this Decision.
3. This application was listed for a three-day hearing commencing on 10 November 2025. The Tribunal inspected the Building on the morning of the 10 November 2025 in the presence of the parties, their respective legal representatives and technical experts. Several of the interested leaseholders also attended. Negotiations in the days leading up to the hearing had succeeded in the parties narrowing the issues. They were keen to continue the momentum of those discussions after the inspection. Accordingly, the Tribunal allowed further time for the parties, their legal advisors and technical experts to negotiate.
4. Consequently, the parties have agreed the terms of the remediation order set out in the Annexe. Broadly, the order provides for remediation of the undisputed relevant defects which can be carried out within a reasonable time scale without considerable disruption of the occupiers. There remains a question over possible defects in the outer calcium silicate boarding which encapsulates the fusion panels under Wall Types 1 and 3. The remediation order provides for further survey inspections and reports to be undertaken so that the parties and their technical experts can consider this and other outstanding issues, and for the parties to return to the Tribunal later next year, if necessary, for a further order. Should that prove necessary Directions for a further hearing are set out in the remediation order.
5. The Tribunal is satisfied that there are relevant defects in the Building that should be remediated on the terms of the agreed remediation order. The Tribunal

retains jurisdiction for so long as relevant defects remain at Ridley House and the order makes provision for possible variations to the order or a further order.

**Name:** Judge D Barlow

**Date:** 11 November 2025

### **Right of Appeal**

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the Tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the Regional Office which has been dealing with the case. The application should be made on Form RP PTA available at <https://www.gov.uk/government/publications/form-rp-pta-application-for-permission-to-appeal-a-decision-to-the-upper-tribunal-lands-chamber>

The application for permission to appeal must arrive at the Regional Office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28-day time limit, such application must include a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the Tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).

**Annexe – Remediation Order**



**IN THE FIRST TIER TRIBUNAL  
PROPERTY CHAMBER (RESIDENTIAL PROPERTY)  
BIR/00CN/BSA/2024/0601**

**IN THE MATTER OF**

**RIDLEY HOUSE, RIDLEY STREET, BIRMINGHAM B1 1SA - TITLE NO.  
WM921394 (THE "BUILDING")**

**AND IN THE MATTER OF AN APPLICATION FOR A REMEDIATION ORDER  
PURSUANT TO SECTION 123 OF THE BUILDING SAFETY ACT 2022**

**B E T W E E N:**

**KILGARVAN HOLDINGS LTD**

**Applicant**

**-and-**

**(1) GREY GR LIMITED PARTNERSHIP  
(2) SEVEN CAPITAL (RIDLEY) LIMITED**

**Respondents**

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**REMEDICATION ORDER**

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**UPON** considering the application, evidence and submissions in this matter

**AND UPON** consideration of the provisions of the Building Safety Act 2022

**AND UPON** the Parties having agreed that there are relevant defects in the Building as detailed in Schedule 1 appended to this order which require remediation

**AND UPON** the Parties having also agreed that, prior to determination of whether there are any other relevant defects in the Building, it would be beneficial for an assessment to be carried out in relation to the calcium silicate boarding on Wall Type 2, during the remediation of the relevant defects detailed in Schedule 1

**AND UPON** Seven Capital (Ridley) Limited having agreed to appoint an EWS1 surveyor to inspect during the remedial works in order to enable an EWS1 Assessment, at the end of the works, confirming a minimum B1 EWS Form Rating has been achieved

**BY CONSENT IT IS ORDERED THAT:**

1. Pursuant to section 123 of the Building Safety Act 2022, a Remediation Order shall be made against Grey GR Limited Partnership (the relevant landlord) in respect of the relevant defects in Ridley House, Ridley Street, Birmingham, B1 1SA (the “**Building**”) as detailed in Schedule 1 (Schedule of Relevant Defects) appended to this order (the “**Relevant Defects**”)
2. The scope of the relevant measures which Grey GR Limited Partnership is required to undertake in relation to the Relevant Defects can only be partially determined as at the date of this order. The Tribunal accordingly directs and orders:
  - (a) By **24 April 2026** Grey GR Limited Partnership shall remove the acrylic render and the 60mm granite infused EPS insulation which forms the external façade to Wall Type 2 on the Northwest and Southwest facing elevations at the rear of the Building;
  - (b) By **15 May 2026** Grey GR Limited Partnership and/or Seven Capital (Ridley)

Limited shall (i) carry out a 100% condition survey of the outer calcium silicate boarding wall to the Fusion Panel System on the Northwest and Southwest facing elevations at the rear of the Building in order determine the integrity of the encapsulation of the 175mm granite infused EPS insulation contained within the core of the Fusion Panel System on those elevations; (ii) arrange for the signs of corrosion seen on the structural steel frame in location 12 as noted at paragraph 5.6.9 of the Wintech intrusive survey report dated 5 August 2025 to be reviewed by a structural engineer jointly instructed by the Grey GR Limited Partnership and Seven Capital (Ridley) Limited; and (iii) issue updated FRAEW reports;

(c) By **25 September 2026** Grey GR Limited Partnership and/or Seven Capital (Ridley) Limited shall (i) carry out a visual inspection of each flat, including all internal wall penetrations to the Fusion Panel System, such as sockets, vents and switches, to determine the full extent of the penetrations and any incomplete fire stopping, and (ii) shall carry out such works as are identified as being required, during that survey, to ensure that all penetrations have been appropriately fire stopped; and

(d) By **25 September 2026** Grey GR Limited Partnership shall remedy the Relevant Defects, and any defects in the outer calcium silicate boarding wall of the Fusion Panel System which are part of Wall Type 2 on the Northwest and Southwest facing elevations at the rear of the Building which have been identified during the condition survey detailed in paragraph 2(b) above.

3. Grey GR Limited Partnership may comply with paragraphs 2(a) and (d) above by procuring that Seven Capital (Ridley) Limited shall carry out the works identified in Schedule 2 appended to this order.
4. Determination of whether a remediation order shall be made against Grey GR Partnership Ltd in relation to the Wall Types 1 and 3 of the Building shall be adjourned to the first available date after **20 July 2026** with a time estimate of **two** days. In relation to that adjourned hearing:

- (a) The Tribunal will endeavour to meet parties' availability provided they provide details of any dates to avoid not later than **5 December 2025**.
- (b) The issues for determination by the Tribunal shall be (i) the relevant defects in Wall Types 1 and 3 (if any); (ii) the scope of the remedial works (if any) required to be undertaken by Grey GR Limited Partnership to address any relevant defects held to exist in Wall Types 1 and 3; (iii) the scope of the remedial works (if any) required to be undertaken by Grey GR Limited Partnership to address the relevant defects (if any) in the residual portions of Wall Type 2 on the remaining elevations of the Building ; (iv) the scope of remedial works (if any) required to be undertaken to address any relevant defects in the structural steel frame in location 12; and (v) the date by which (a) the works to address the Relevant Defects which are part of Wall Type 2 on the remaining elevations of the Building (if any); and (b) any further remediation works ordered by the Tribunal in respect of Wall Types 1 and 3, are to be completed (the "**Adjourned Issues**").
- (c) No later than **22 May 2026** Grey GR Limited Partnership and Seven Capital (Ridley) Limited must provide copies of the condition reports referred to in paragraph 2(b) herein to the Tribunal and the Applicant.
- (d) The parties' fire safety experts shall meet whilst the condition survey referenced in paragraph 2(b) herein is being carried out, to discuss (a) whether it is necessary for a condition survey to be carried out in respect of the outer cement (CSB) board wall of the Fusion Panel System which form part of Wall Types 1 and 3 on the remaining elevations of the Building; (b) the extent of the remedial works (if any) required to address the Relevant Defects in Wall Types 1 and 3; and (c) the extent of the remedial works required to address the Relevant Defects within Wall Type 2 (if any) on the remaining elevations of the Building. By **5 June 2026** the experts shall prepare a joint statement setting out, in light of the results of those condition surveys, the points of agreement and difference in relation to those issues.
- (e) If any party wishes to rely upon further technical or expert evidence, they must first seek permission from the Tribunal, by no later than **12 June 2026**. By the same

date, the parties shall jointly notify the Tribunal as to whether the hearing listed pursuant to this paragraph 4 is required to proceed, or if it can be vacated.

(f) The First Respondent shall update the existing digital hearing bundle (the Bundle) for use at the hearing of the Adjourned Issues. The Bundle must be sent to the Tribunal and the other parties not less than **seven days** before the hearing of the Adjourned Issues.

(g) The parties' skeleton arguments must be provided **three clear days** before the hearing of the Adjourned Issues.

5. In relation to the Wall Type 2 Works referred to in paragraph 2(d) above:

(a) If the Respondents propose to carry out different works, Grey GR Limited Partnership shall notify the Applicant as soon as practicable, explaining their proposed variations and their reasons, with copies of any essential supporting documents.

(b) If Seven Capital (Ridley) Limited requires any extension of time for completion of the Works, then on each occasion:

(i) Grey GR Limited Partnership shall notify the Applicant as soon as practicable, explaining the extension period and the reasons for the delay, and providing copies of any essential documents demonstrating the entitlement; and

(ii) unless such notification is given after the date specified in paragraph 1 above, and the Applicant applies to the Tribunal under paragraph 7 below to dispute it, the Specified Time shall automatically be postponed by the same period as the relevant extension period.

- (c) If Grey GR Limited Partnership wishes to seek any other extension of time for compliance, they shall notify the Applicant and use reasonable endeavours to inform the leaseholders as soon as practicable, explaining their proposed extension and their reasons, with copies of any essential supporting documents.
- (d) No application to extend the time for compliance with this Order will be necessary in circumstances where the First Respondent has complied with paragraphs 5(a) and (b) above and the Specified Time is to be extended by no more than three calendar months in total. Where the Specified Time is to be extended by more than three calendar months, the process for determining disputes in paragraph 5(e) below will apply.
- (e) At any time after the date specified in paragraphs 2(d) above, either party may apply to the Tribunal to determine any dispute between the parties about whether the time for compliance with this Order should be extended later than the long stop period permitted by paragraph 5(d) above. Any such application:
- (i) must be made using the Tribunal's Form "Order 1";
  - (ii) must be supported by a witness statement signed by an appropriate named individual with a statement of truth explaining the reasons for the application, what steps have been taken by the parties to seek to resolve their dispute by agreement and, if the party applying has not previously offered to refer the dispute to mediation or has refused to do so, their full reasons;
  - (iii) must include a proposed draft order setting out the extension sought, with copies of this order and the accompanying decision; and
  - (iv) must be served on the other party/ies to these proceedings.
- (f) Grey GR Limited Partnership must notify the Tribunal, the Applicant and the leaseholders that it has complied with this Order, within one month of the certified date of practical completion of the works in paragraph 2(d) above.

6. Within three months of completion of all of (i) the remedial works in paragraph 2(d) herein; (ii) the remedial works to address the Relevant Defects which are part of Wall Type 2 on the south east facing elevations to the front of the Building; and (iii) any further remediation works ordered by the Tribunal in respect of Wall Types 1 and 3, (the “**Remedial Works**”):
  - (a) Grey GR Limited Partnership shall procure a further FRAEW to confirm satisfactory completion of the Remedial Works; and
  - (b) Grey GR Limited Partnership shall provide the relevant Building Regulations Compliance certificate to the Tribunal and the Applicant.
7. Grey GR Limited Partnership will provide quarterly updates on the progress of the works to leaseholders of the Building.
8. By section 123(7) of the Building Safety Act 2022, this Order is enforceable with the permission of the county court in the same way as an order of that court.

**Schedule 1 (Relevant Defects)**

Fusion Panel System:	<ol style="list-style-type: none"><li>1. Penetrations to the inner wall of Fusion panel system</li><li>2. Incomplete fire stopping to sockets, vent ducts and any penetrations found.</li></ol>
Wall Type 2: Insulated Render System (EPS) (WS- 2)	<ol style="list-style-type: none"><li>3. Inconsistent (and in places thin) thickness of the acrylic-based render system.</li><li>4. Presence of Granite infused EPS insulation (Euroclass E)</li><li>5. Deficient fire and cavity barrier provision as a consequence of:<ol style="list-style-type: none"><li>5.1. The absence of any cavity barriers around windows;</li><li>5.2. Poor installation of mineral slab insulation;</li><li>5.3. Omitted cavity barriers behind the acrylic render system; and</li><li>5.4. Defective installation of cavity barriers behind the acrylic render system.</li></ol></li></ol>

## Schedule 2 (Relevant Measures)

Fusion Panel System:	<ol style="list-style-type: none"><li>1. Carry out a visual inspection of each flat, including all internal wall penetrations, such as sockets, duct vents and switches, to determine the full extent of the penetrations and any incomplete fire stopping to the Fusion Panel System, and thereafter carry out such works as are identified as being required, during that survey, to ensure that all penetrations have been appropriately fire stopped;</li><li>2. Carry out a 100% condition survey of the cladding/cavity side CSB board to Wall Type 2 on the Northwest and Southwest facing elevations at the rear of the Building, and repair to close gaps (if any) and complete encapsulation of the EPS insulation.</li></ol>
Wall Type 2: Insulated Render System (EPS) (WS- 2)	<ol style="list-style-type: none"><li>3. Removal of the render wall system and replacement with a suitable alternative to meet current guidance.</li></ol>

### **Generally, in respect of all Remedial Works**

1. All proprietary fire stopping products, fire barriers and cavity barriers should be installed in accordance with the manufacturer's instructions and 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.
2. All works should be documented and all relevant information provided in accordance with Regulation 38, titled "Fire Safety Information", of the Building Regulations 2010, as amended 2023

