



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

Case reference	:	CAM/33UD/HIN/2024/0011
Property	:	33 Exmouth Road Great Yarmouth NR30 3DN
Applicant	:	John Richard Sharman
Respondents	:	Great Yarmouth Borough Council
Representative	:	NP Law / Carl Johnson, Environmental Services
Type of application	:	Appeal against Improvement Notice: Sections 11 and 12 and paragraphs 10-12 of Schedule 1 to the Housing Act 2004
Tribunal	:	Judge David Wyatt
Date	:	8 April 2025

DECISION

Decision

The tribunal decides as follows:

- (1) the tribunal quashes the improvement notice dated 11 July 2024 in respect of the Property; and
- (2) unless the Respondent applies to the tribunal by **23 April 2025** in accordance with paragraph 5 below and the tribunal then makes a different order, the Respondent must pay £110 to the Applicant to reimburse the tribunal application fee paid by him for this appeal.

Reasons

1. This application is an appeal under Part 3 of Schedule 1 to the Housing Act 2004 against an improvement notice dated 11 July 2024. The appeal

application was received by the tribunal on 31 July 2024, within the 21-day time limit under paragraph 14 of Schedule 1 to the 2004 Act, and asked the tribunal to quash the improvement notice. On 16 January 2025, the tribunal gave case management directions, requiring the Respondent to produce document bundles and the Applicant to produce answering bundles for a hearing.

2. On 11 February 2025, the Respondent wrote to the tribunal office by e-mail (copied to the Applicant) explaining that the improvement notice had not been sufficiently served on those who should have received it (or copies of it). The e-mail invited the tribunal to uphold the Applicant's appeal and "dismiss" the improvement notice. It indicated that the Respondent intended to liaise with the Applicant and review the current state of the Property to consider whether to give a new improvement notice.
3. The Respondent failed to make it clear in their e-mail that they were seeking to make an application or ask that it be referred to a Judge, let alone make a proper application to vary the directions, so it was simply filed by the case officer. The file has been referred to me only today in view of the failure to comply with the directions. It appears there was no response from the Applicant to the e-mail from the Respondent. Neither party has complied with the case management directions.
4. In the circumstances, I am satisfied that the relevant improvement notice should be quashed (cancelled) as requested. It is not clear why the Respondent did not simply revoke the improvement notice, but it appears I do not need anything further to dispose of these proceedings. The hearing which had been provisionally listed by the case officer (without yet notifying the parties or requesting the hearing fee) is vacated.
5. The tribunal has a general discretion under rule 13(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 to order a party to reimburse a tribunal fee paid by another. Since the Respondent has conceded that the appeal should be upheld and not answered the Applicant's case that they should reimburse the (£110) application fee he paid, I consider that they should reimburse that fee unless by **23 April 2025** the Respondent makes a proper application to the tribunal (using "Form Order 1", available from the public website) setting out all matters and attaching in a single PDF copies of all evidence relied upon, copying this to the Applicant and asking clearly in the subject line or at the top of their covering e-mail that this be referred to Judge Wyatt. If the Respondent does make such application, the Applicant may respond to it (in a single e-mail setting out all matters relied upon, with a single attachment of any other documents relied upon, sent in the same way) by **2 May 2025**. The tribunal would then decide on paper what order to make in respect of the tribunal application fee.

6. The Applicant also says in his application form that he wishes to seek other out of pocket expenses. If the Applicant wishes to make any application for an order in respect of such costs, he must make it within 28 days of the date this decision was sent to him, in the same format as described above, as set out in rule 13. However, the tribunal should not be taken to be encouraging any such application. The tribunal cannot advise, but this is generally not a cost-shifting jurisdiction. Apart from reimbursement of tribunal fees (as above), the tribunal can only make an order in respect of costs in the very limited circumstances set out in rule 13. The Applicant may wish to refer to the decision in Willow Court Management Company 1985 Ltd v Alexander [2016] UKUT 0290.

Judge David Wyatt

8 April 2025

Rights 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 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).