



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

**Case reference** : **LON/00BC/HIN/2025/0645**

**Property** : **Carlton House, 501-535 High Road,  
Ilford, Essex IG1 1TZ**

**Applicant** : **Carlton House Props Ltd**

**Respondent** : **London Borough of Redbridge**

**Type of application** : **Appeal in respect of an Improvement  
Notice**

**Tribunal** : **Judge Nicol  
Ms S Coughlin MCIEH  
Mr J Taylor FRICS FTPI**

**Date and Venue of  
Hearing** : **27<sup>th</sup> July 2026  
10 Alfred Place, London WC1E 7LR**

**Date of Decision** : **28<sup>th</sup> July 2026**

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**DECISION**

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**The Improvement Notice dated 28<sup>th</sup> July 2025 is confirmed.**

**Reasons**

1. The Applicant owns the freehold of the subject property, Carlton House, a 10-storey building completed in 2018 and containing 112 flats. On 28<sup>th</sup> July 2025 the Respondent served an Improvement Notice. On 18<sup>th</sup> August 2025 the Applicant appealed against the Notice to this Tribunal.
2. The Tribunal heard the appeal on 27<sup>th</sup> July 2026. The hearing was attended by:
  - Amar Waraich, company secretary of the Applicant;
  - Stephen Evans, counsel for the Respondent;
  - The Respondent's witnesses:

- Lewis Heron, Tall Buildings Specialist Officer with the Respondent;
  - Eliz Bojte, Reactive Team Manager with the Respondent's Private Sector Housing Enforcement Team; and
  - Carlos Puerta-Rodrigues, Fire Safety Advisor with the London Fire Brigade.
3. The documents before the Tribunal consisted of:
- An Applicant's bundle of 51 pages;
  - A Respondent's bundle of 444 pages; and
  - A Skeleton Argument from Mr Evans.

### Background

4. Following the Grenfell fire tragedy, the Respondent sought to gather information about high-rise residential buildings over 18m within the borough. On 18<sup>th</sup> February 2025 the Respondent served notices under section 235 of the Housing Act 2004 on the Applicant and their agents requiring documents to be produced about the subject property. On 28<sup>th</sup> February 2025 Mr Waraich emailed the following documents:
- (a) Fire Risk Appraisal of the External Walls by Fire & Façade Engineering ("FRAEW") dated 20<sup>th</sup> September 2024;
  - (b) Concept Fire Strategy Report by FDS Consult Ltd dated 15<sup>th</sup> August 2017;
  - (c) London Borough of Redbridge Building Control Completion Certificate dated 28<sup>th</sup> December 2018;
  - (d) Fire Risk Assessment (FRA) completed by Assured Fire Safety Ltd dated 5<sup>th</sup> November 2018; and
  - (e) A Fire Evacuation Plan.
5. On review of these documents, the Respondent had concerns regarding the external walls and about the adequacy of the evacuation policy. Further, Mr Waraich provided a Fire Risk Assessment dated 6<sup>th</sup> March 2025 judging the risk to life from a fire to be substantial and recommending that a waking watch be instituted. To date, the Applicant has yet to institute a waking watch. Mr Waraich argued that the existing security service was sufficient but the Respondent rejected this and the Applicant has not sought to maintain this point.
6. The Respondent arranged to inspect the property, together with the London Fire Brigade, on 29<sup>th</sup> April 2025, following which the Respondent scored the fire hazard at the property as a category 1 hazard. Under section 5 of the Housing Act 2004, this obliged the Respondent to take action and they decided to serve an Improvement Notice under section 11. A draft was sent to the London Fire Brigade and they confirmed their agreement with the defects and deficiencies and remedial works detailed in the Notice.
7. The Improvement Notice was served on 28<sup>th</sup> July 2026 requiring the Applicant to address defects and deficiencies in relation to:

- (a) External Walls
  - (b) Balconies
  - (c) Means of Escape
  - (d) Compartmentation
  - (e) Smoke Ventilation System
  - (f) Fire Detection Systems and Fire Alarm System
  - (g) Fire Doors
  - (h) Refuse Storage
  - (i) Emergency Lighting
  - (j) Fire Signage
8. The Applicant does not object to everything in the Notice. By letter dated 24<sup>th</sup> July 2025 the Housing and Regeneration Agency confirmed that the building was eligible for funding to address the external walls and balconies. Mr Waraich clarified at the hearing that the design phase would be complete by the end of October or the beginning of November 2026. Approval from the HSE would then take 25 weeks, after which construction could begin, taking around 12 months.
  9. The Applicant's objections to the Improvement Notice extend to just a few particulars, considered in turn below. He characterised them as temporary measures, designed to last until the aforementioned work starts in or around May 2027, at which point he asserted that the contractors would take over responsibility for fire safety while they carried out the works.
  10. The principal problem for the Applicant, running through all their objections, has been the lack of evidence, expert or factual. Mr Waraich's arguments relied mostly on a priori reasoning or unevidenced assertion.

### Means of Escape

11. The ground and first floors of the building contain car parks. At both levels, there are doors marked by illuminated signage as fire escape exits which provide access into the residential areas of the building. Going from inside the building to the car park, there is a button to press which releases the door for access. Going in the other direction, a fob is needed to open the doors. The idea is to limit access from the car park into the building to authorised residents, marked by having a fob.
12. The Respondent and the Fire Brigade were not satisfied with this arrangement on the basis that visitors or anyone else without a fob could find themselves unable to exit the car park in the event of a fire. On the ground floor there is a gate providing vehicular access, with a pedestrian access gate next to it. However, anyone on the ground floor finding a fire between themselves and the vehicular gate or anyone on the first floor would have to use the doors to go back into the building. The Respondent sought the replacement of the fob system with a green box which, when the glass is broken, would release the door.
13. Mr Waraich asserted that the doors release if the fire alarm goes off anywhere in the building, including if someone breaks the glass on the

red box located next to each of the car park doors, or if there is a power outage. The problem is that he had no evidence to support this assertion. There is no signage to assist those who might be fleeing fire to alert them that breaking the glass on the red box would allow them to exit through the doors. If Mr Waraich were correct, it is reasonable to assume that these possibilities would be mentioned in the Fire Strategy Report of 15<sup>th</sup> August 2017 but they are not.

14. The Applicant is worried that unauthorised persons or intruders could gain access to the building through the car park if the door furniture the Respondent seeks were fitted. However, for security even to be considered as trumping fire safety, there would need to be a compelling case that security concerns are serious and significant. The building benefits from security staff during office hours and for 10 hours, mostly at night, over the weekend. Although Mr Waraich asserted that they have a problem with youths vaulting walls to gain access to the communal area outside the car park, there is no evidence of intrusion by them or anyone else unauthorised to be in the car park at any time since the building was constructed. On the evidence available, the Applicant's security concerns do not come anywhere near a level which could displace the need for fire safety.

#### Refuse store

15. There is a bin store on the ground floor designed to contain paladins where residents may place their refuse pending collection by the local authority. The Applicant has had problems with homeless people using the bin store for shelter, even after they had put locks on the wooden doors. Their solution was to place bins outside the store so that residents could put their rubbish there without opening the bin store.
16. The Respondent objected that the paladins and overflowing rubbish obstructed fire escape routes but also that the rubbish piles were fire risks and were located near combustible areas of external wall cladding. Mr Waraich asserted that the paladins were nowhere near such cladding but the Respondent had photos showing exactly that. Mr Waraich pointed to a building plan which purported to list the contents of the wall but the FRAEW had a different list of contents.
17. The Tribunal shares the Respondent's puzzlement as to why it should be as difficult as the Applicant claims to keep unauthorised people out of the bin store, with the help of the security staff and good locks on the bin store doors. Even then Mr Waraich put the number of incidents in relation to the bin store at two or three in 3 or 4 years. Again, such security concerns are wholly insufficient to outweigh the need for fire safety.

#### Fire Detection Systems and Fire Alarm Systems

18. Pending the completion of works making the external wall cladding safe, the Improvement Notice required the Applicant to install a more comprehensive but temporary fire alarm system in the building, in

particular covering the interior communal areas where there are currently no alarms. The Applicant did not attempt to claim this was unnecessary but sought to vary the timetable. The Improvement Notice required the work to start on 1<sup>st</sup> September 2025 and finish on 1<sup>st</sup> February 2026, a timetable which the Respondent had agreed with the London Fire Brigade. The Applicant sought an extension to September 2026.

19. Again, the Applicant's problem was a lack of evidence that the extension of time was either necessary or achievable. The Applicant had provided a short quote from Integrated Fire Safety Systems Ltd to do the work for £132,029.25 and claimed it would be difficult to fund this, given that the cost could not be reclaimed from service charge payers. However, no evidence was presented of the Applicant's financial circumstances, whether any other quotes had been obtained in a tendering process, whether alternative sources of funding had been considered or sought, when the work might start or how long it might take, etc. Funding might have been dependent on instituting a waking watch but the Applicant never put one in place and did not explain their failure to do so. In the complete absence of relevant supporting material, the Tribunal does not see how it would be able to accede to the Applicant's request.
20. Mr Waraich pointed out that the existing sounders could be heard by the nearby fire station and asserted that this indicated there was a lesser need for a further fire alarm system. However, this only goes to highlight the difference between what is in place and what is needed. The current sounders are on external walls, where they might be heard by near neighbours such as the fire station, and in the car parks. The proposed new system should reach 85 dB at the doorway of each flat and the existing system cannot do that.

### Conclusion

21. The Applicant has been unable to justify any of their objections to the Improvement Notice. The Tribunal is satisfied that the contents of the Improvement Notice represent a reasonable response to the fire safety risks presented by this building. Therefore, the Tribunal refuses to vary the Improvement Notice and instead confirms it.

**Name:** Judge Nicol

**Date:** 28<sup>th</sup> July 2026

## **Appendix of relevant legislation**

### **Housing Act 2004**

#### **1 New system for assessing housing conditions and enforcing housing standards**

- (1) This Part provides–
- (a) for a new system of assessing the condition of residential premises, and
  - (b) for that system to be used in the enforcement of housing standards in relation to such premises.
- (2) The new system–
- (a) operates by reference to the existence of category 1 or category 2 hazards on residential premises (see section 2), and
  - (b) replaces the existing system based on the test of fitness for human habitation contained in section 604 of the Housing Act 1985 (c. 68).
- (3) The kinds of enforcement action which are to involve the use of the new system are–
- (a) the new kinds of enforcement action contained in Chapter 2 (improvement notices, prohibition orders and hazard awareness notices),
  - (b) the new emergency measures contained in Chapter 3 (emergency remedial action and emergency prohibition orders), and
  - (c) the existing kinds of enforcement action dealt with in Chapter 4 (demolition orders and slum clearance declarations).
- (4) In this Part “residential premises” means–
- (a) a dwelling;
  - (b) an HMO;
  - (c) unoccupied HMO accommodation;
  - (d) any common parts of a building containing one or more flats.
- (5) In this Part–
- “building containing one or more flats” does not include an HMO;
- “common parts”, in relation to a building containing one or more flats, includes–
- (a) the structure and exterior of the building, and
  - (b) common facilities provided (whether or not in the building) for persons who include the occupiers of one or more of the flats;
- “dwelling” means a building or part of a building occupied or intended to be occupied as a separate dwelling;
- “external common parts”, in relation to a building containing one or more flats, means common parts of the building which are outside it;
- “flat” means a separate set of premises (whether or not on the same floor)–

- (a) which forms part of a building,
- (b) which is constructed or adapted for use for the purposes of a dwelling, and
- (c) either the whole or a material part of which lies above or below some other part of the building;

“HMO” means a house in multiple occupation as defined by sections 254 to 259, as they have effect for the purposes of this Part (that is, without the exclusions contained in Schedule 14);

“unoccupied HMO accommodation” means a building or part of a building constructed or adapted for use as a house in multiple occupation but for the time being either unoccupied or only occupied by persons who form a single household.

(6) In this Part any reference to a dwelling, an HMO or a building containing one or more flats includes (where the context permits) any yard, garden, outhouses and appurtenances belonging to, or usually enjoyed with, the dwelling, HMO or building (or any part of it).

(7) The following indicates how this Part applies to flats–

- (a) references to a dwelling or an HMO include a dwelling or HMO which is a flat (as defined by subsection (5)); and
- (b) subsection (6) applies in relation to such a dwelling or HMO as it applies in relation to other dwellings or HMOs (but it is not to be taken as referring to any common parts of the building containing the flat).

(8) This Part applies to unoccupied HMO accommodation as it applies to an HMO, and references to an HMO in subsections (6) and (7) and in the following provisions of this Part are to be read accordingly.

## **2 Meaning of “category 1 hazard” and “category 2 hazard”**

(1) In this Act–

“category 1 hazard” means a hazard of a prescribed description which falls within a prescribed band as a result of achieving, under a prescribed method for calculating the seriousness of hazards of that description, a numerical score of or above a prescribed amount;

“category 2 hazard” means a hazard of a prescribed description which falls within a prescribed band as a result of achieving, under a prescribed method for calculating the seriousness of hazards of that description, a numerical score below the minimum amount prescribed for a category 1 hazard of that description; and

“hazard” means any risk of harm to the health or safety of an actual or potential occupier of a dwelling or HMO which arises from a deficiency in the dwelling or HMO or in any building or land in the vicinity (whether the deficiency arises as a result of the construction of any building, an absence of maintenance or repair, or otherwise).

(2) In subsection (1)–

“prescribed” means prescribed by regulations made by the appropriate national authority (see section 261(1)); and

“prescribed band” means a band so prescribed for a category 1 hazard or a category 2 hazard, as the case may be.

(3) Regulations under this section may, in particular, prescribe a method for calculating the seriousness of hazards which takes into account both the likelihood of the harm occurring and the severity of the harm if it were to occur.

(4) In this section—

“building” includes part of a building;

“harm” includes temporary harm.

(5) In this Act “health” includes mental health.

## **5 Category 1 hazards: general duty to take enforcement action**

(1) If a local housing authority consider that a category 1 hazard exists on any residential premises, they must take the appropriate enforcement action in relation to the hazard.

(2) In subsection (1) “the appropriate enforcement action” means whichever of the following courses of action is indicated by subsection (3) or (4)—

(a) serving an improvement notice under section 11;

(b) making a prohibition order under section 20;

(c) serving a hazard awareness notice under section 28;

(d) taking emergency remedial action under section 40;

(e) making an emergency prohibition order under section 43;

(f) making a demolition order under subsection (1) or (2) of section 265 of the Housing Act 1985 (c. 68);

(g) declaring the area in which the premises concerned are situated to be a clearance area by virtue of section 289(2) of that Act.

(3) If only one course of action within subsection (2) is available to the authority in relation to the hazard, they must take that course of action.

(4) If two or more courses of action within subsection (2) are available to the authority in relation to the hazard, they must take the course of action which they consider to be the most appropriate of those available to them.

(5) The taking by the authority of a course of action within subsection (2) does not prevent subsection (1) from requiring them to take in relation to the same hazard—

(a) either the same course of action again or another such course of action, if they consider that the action taken by them so far has not proved satisfactory, or

(b) another such course of action, where the first course of action is that mentioned in subsection (2)(g) and their eventual decision under section 289(2F) of the Housing Act 1985 means that the premises concerned are not to be included in a clearance area.

(6) To determine whether a course of action mentioned in any of paragraphs (a) to (g) of subsection (2) is “available” to the authority in relation to the hazard, see the provision mentioned in that paragraph.



(7) Section 6 applies for the purposes of this section.

**11 Improvement notices relating to category 1 hazards: duty of authority to serve notice**

(1) If–

- (a) the local housing authority are satisfied that a category 1 hazard exists on any residential premises, and
- (b) no management order is in force in relation to the premises under Chapter 1 or 2 of Part 4,

serving an improvement notice under this section in respect of the hazard is a course of action available to the authority in relation to the hazard for the purposes of section 5 (category 1 hazards: general duty to take enforcement action).

(2) An improvement notice under this section is a notice requiring the person on whom it is served to take such remedial action in respect of the hazard concerned as is specified in the notice in accordance with subsections (3) to (5) and section 13.

(3) The notice may require remedial action to be taken in relation to the following premises–

- (a) if the residential premises on which the hazard exists are a dwelling or HMO which is not a flat, it may require such action to be taken in relation to the dwelling or HMO;
- (b) if those premises are one or more flats, it may require such action to be taken in relation to the building containing the flat or flats (or any part of the building) or any external common parts;
- (c) if those premises are the common parts of a building containing one or more flats, it may require such action to be taken in relation to the building (or any part of the building) or any external common parts.

Paragraphs (b) and (c) are subject to subsection (4).

(4) The notice may not, by virtue of subsection (3)(b) or (c), require any remedial action to be taken in relation to any part of the building or its external common parts that is not included in any residential premises on which the hazard exists, unless the authority are satisfied–

- (a) that the deficiency from which the hazard arises is situated there, and
- (b) that it is necessary for the action to be so taken in order to protect the health or safety of any actual or potential occupiers of one or more of the flats.

(5) The remedial action required to be taken by the notice–

- (a) must, as a minimum, be such as to ensure that the hazard ceases to be a category 1 hazard; but
- (b) may extend beyond such action.

(6) An improvement notice under this section may relate to more than one category 1 hazard on the same premises or in the same building containing one or more flats.

(7) The operation of an improvement notice under this section may be suspended in accordance with section 14.

(8) In this Part “remedial action”, in relation to a hazard, means action (whether in the form of carrying out works or otherwise) which, in the opinion of the local housing authority, will remove or reduce the hazard.

### **18 Service of improvement notices etc. and related appeals**

Schedule 1 (which deals with the service of improvement notices, and notices relating to their revocation or variation, and with related appeals) has effect.

## **PART 3**

### **APPEALS RELATING TO IMPROVEMENT NOTICES**

#### *Appeal against improvement notice*

### **10**

(1) The person on whom an improvement notice is served may appeal to the appropriate tribunal against the notice.

(2) Paragraphs 11 and 12 set out two specific grounds on which an appeal may be made under this paragraph, but they do not affect the generality of sub-paragraph (1).

### **15**

(1) This paragraph applies to an appeal to the appropriate tribunal under paragraph 10.

(2) The appeal—

(a) is to be by way of a re-hearing, but

(b) may be determined having regard to matters of which the authority were unaware.

(3) The tribunal may by order confirm, quash or vary the improvement notice.

(4) Paragraphs 16 and 17 make special provision in connection with the grounds of appeal set out in paragraphs 11 and 12.