



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

Case Reference : **MAN/00CY/HYI/2023/0010**

Building : **Millroyd Mill
Huddersfield Road
Brighouse
West Yorkshire
HD6 1PB**

Applicant : **Millroyd Island Management Co Ltd**

Representative : **Mr A Pratt, Counsel**

Respondent : **Mrs Sandra Sollitt**

Representative : **Mr M Sollitt**

Type of Application : **Application to Vary Remediation Order –
s123 of the Building Safety Act 2022**

Tribunal : **Regional Judge N Walsh
Judge J Holbrook**

Date of Decision : **17 August 2026**

DECISION

DECISION

The Applicant's application, dated 29 May 2026, to vary the Tribunal's Remediation Order of 4 November 2024 is refused.

REASONS

BACKGROUND

1. The Tribunal made a Remediation Order dated 4 November 2024 under the Buildings Safety Act 2022 in respect of fire safety works required at Milroyd Mill. The Order specified the nature of the remedial works required to the existing balconies, which are constructed using timber elements to the decking floor and balustrades that do not achieve an acceptable European fire classification.
2. The Order required the works to be completed by 29 May 2026. On 1 June 2026 the Applicant, via its managing agent, made an application for a 28 day stay to the Tribunal's Remediation Order, "pending delivery of our final proposed programme of works to enable us to ask for the appropriate extension".
3. Upon consideration of the Applicant's application, the Tribunal considered that the grant of a short stay would serve no purpose because it was clear that the Applicant would not have been able to complete the remediation works within 28 days or indeed for a significant time thereafter. The Tribunal therefore accepted and treated the Applicant's application as an application to vary the Tribunal Remediation Order, for a yet unspecified extension of time.
4. The Tribunal issued directions for a hearing, setting down appropriate directions for the parties to ensure a fair and effective hearing. Specifically, that the parties shall file and serve their written submissions and a hearing bundle in respect of the Applicant's application for variation by 5.00 pm 14 days in advance of the hearing date. Given that the application sought the delay of serious and necessary fire safety works, the Tribunal granted the parties permission to adduce expert evidence should they consider that be necessary.
5. The Respondent, Mrs Sollitt, fully complied with the Tribunal's directions providing both written submissions and a detailed indexed hearing bundle. The Applicant did not respond to the Tribunal until after midnight on the morning of the hearing, when it filed and served a late witness statement from Mr Fowler, the managing agent.

6. The Respondent also made an interlocutory application on 5 July 2026, requesting that the Tribunal confirm that any representatives attending the hearing on behalf of the Applicant have the requisite authority. No response was received from the Applicant in respect of the Respondent's application in advance of the hearing.

HEARING

7. Mr Pratt, Counsel, represented the Applicant, with Mr Fowler, the managing agent, also attending. Mrs Sollitt, one of the Applicants to the original proceedings but the Respondent for the purposes of this application, also attended with her husband Mr Sollitt who represented her at the hearing.
8. At the outset of hearing the Tribunal expressed its concerns about the progress and conduct of these proceedings. Particularly from the perspective of the leaseholders, who some 19 months on are no nearer having the necessary remediation works carried out. Works which are essential to ensure the safety of occupants and the saleability of their flats. While some preliminary works planning and liaison with Homes England regarding grant funding has been undertaken, no actual works to the balconies has taken place. The Tribunal however understands that other fire safety works not subject to the Remediation Order, such as improvements to the fire alarm system, have taken place.
9. The Tribunal expressed its concern regarding the lack of respect that the Applicant has shown the Remediation Order, these proceedings and the Tribunal, especially given the seriousness of these fire safety issues.
10. The Tribunal commenced by addressing first Mrs Sollitt's application in respect of the Applicant's representatives' authority to act for and represent the Management Company at the hearing.
11. Mr Pratt advised that he himself had only been instructed on Thursday and his instructing solicitors, Kevills, were only instructed a few days previous. Mr Pratt helpfully confirmed that the two persons currently listed as directors of Millroyd Island Management Co Ltd at Companies House, Ms Hickley and Mr Metcalfe, had instructed Kevills solicitors. Mr Pratt acknowledged that separate proceedings were ongoing in the courts as to who the actual directors of the Applicant Management Company were, which may or may not impact upon the status of the current named directors.
12. Mr Sollitt questioned why the Applicant had failed to engage with Mrs Sollitt's interlocutory application and respond with any representations that they wish to make by the 12 August 2026, as directed by the Tribunal. Mr Sollitt confirmed that separate

proceedings were ongoing concerning the status and legitimacy of the current directors, Ms Hickley and Mr Metcalf.

13. Notwithstanding the fact that separate satellite litigation is ongoing, the Tribunal noted that the directors who instructed the Applicant's legal representatives were those currently named as the directors of the Applicant at Companies House. The Tribunal was therefore content to proceed on the basis that those representing the Applicant currently had the appropriate authority to do so for the purposes of these proceedings. Pending a determination by the courts to the contrary, the Tribunal has no alternative but to proceed upon that basis.
14. Mr Pratt accepted that when making its application for variation the Applicant had not complied with the requirements set out under paragraph 3 of the Remediation Order. Namely, that the application be supported by a witness statement, with detailed evidence explaining the reason for the application and including a proposed draft order setting out the variation sought. He could offer no justification for this or why the witness statement of Mr Fowler was submitted so late bar the fact that legal representation had only been secured immediately prior to the hearing.
15. Mr Fowler similarly could not provide a good reason for not engaging with the Tribunal earlier and complying with its directions. He advised that day-to-day management, coupled with the demands of the satellite litigation concerning the status of the directors had simply overwhelmed him.

DISCUSSION

16. At the hearing the Tribunal gave an ex-tempore decision refusing both to admit Mr Fowler's late witness statement into evidence and the Applicant's application to vary the Remediation Order dated 4 November 2024, setting out briefly its reasons for doing so and advising that written reasons would follow.
17. We do not consider that the Applicant has a reasonable explanation for failing to comply with the Tribunal's directions. The Applicant has shown a wilful disregard for the Tribunal's directions throughout these proceedings. To admit Mr Fowler's witness statement and expect the Respondent to respond to the 58 pages therein on the day with no notice is unreasonable and places the Respondent at a considerable disadvantage. It would clearly be prejudicial to allow Mr Fowler to ambush the Respondent in such a fashion, having only submitted his witness statement on the morning of the hearing.
18. The witness statement itself consists largely of an overview by Mr Fowler explaining the reasons for the delays experienced to date,

which may or may not be justified, and a presentation as to the proposed works. It is however of limited value or assistance to the Tribunal because it does not provide any expert evidence or indeed clear corroboratory documentation as to funding approval, confirmed project timelines or design or construction contracts. Given its late provision it is unfair to expect the Respondent to appropriately test its contents through cross examination without reasonable notice and preparation time. Especially as the Respondent is a litigant in-person relying on the lay representation of her husband. There is no reason why all, or at least some, of this information could have been provided much earlier.

19. Having refused the Applicant permission to adduce a late witness statement for those reasons, the Tribunal turns to consider the merits of the application for variation. The applicant has failed to effectively engage with these proceedings or prosecute its own application. It has failed to comply with directions to provide cogent reasons as to why work has failed to progress sooner, or to bring a coherent and evidence plan of works supported by appropriate expert witness or documentary evidence. Despite having ample opportunity and notice to do so. It has also failed to comply with the requirements of paragraph 3 of the Remediation Order.
20. The Tribunal has no confidence, given the lack of any supporting evidence by the Applicant, that the Applicant is in a position to deliver these works within a reasonable timescale. Mr Fowler, by his own admission, was unable to engage effectively with these proceedings and this is not indicative of an individual that is capable of delivering these works against a background of acrimonious relationships between leaseholders and ongoing satellite litigation concerning the status of various directors or alleged directors in the Applicant company.
21. This is the Applicant's application however it has not pursued its application with anything like the appropriate diligence required, providing cogent evidence as to why the delays were not unreasonable and a coherent plan and timescale for when the works will be completed, which the Tribunal can have confidence in. Without this the Tribunal considers it has no alternative but to refuse the Applicant's application. Just because a remediation order has not been complied with by a certain date it does not automatically follow that a Tribunal must vary the Order and apply new timelines.
22. In the current circumstances the Tribunal considers that the most appropriate way forward would be for the courts to use their enforcement powers, should a suitable party wish to make such an application. The court being able to apply such terms as it considers reasonable and appropriate, and most likely following a declaration resolving the outstanding disputes concerning directorships in the Applicant company.

23. The Tribunal has also had in mind Mr Fowler's previous witness statement in respect of the 2024 proceedings. At paragraph 33 Mr Fowler outlined that legal representation had been appointed, Barton legal, as well as a multitude of other design and construction experts to progress the remediation works. At paragraph 61 Mr Fowler requested that the Remediation Order proceedings be stayed, so as to avoid unnecessary administrative oversight and burden and to allow the Applicant to progress matters under the supervision of Homes England alone. The Tribunal considers that this is symptomatic of the Applicant's desire to avoid Tribunal interference. We therefore have no confidence that varying the Order would enable these essential works to be completed within a reasonable timeline.

Signed: N A Walsh
Judge of the First-tier Tribunal
Date: 18 August 2026