



FIRST - TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference : BIR/00CT/HIN/2025/0009

Property : Property 3 80 Warwick Road Olton
Solihull B92 7JJ

Applicant : Mayfair Propertiez Ltd

Representative : Mr Akeel Aziz

Respondent : Solihull Metropolitan Borough Council

Representative : Mr David Clark
Mr David Howes

Type of Application : Appeal in respect of an Improvement
Notice: Schedule 1 paragraph 10(1) to
the Housing Act 2004

Tribunal Members : Judge N Candlin
Mr A McMurdo MCIEH

Date and venue of : 30 April 2026
Hearing Centre City Tower, 5-7 Hill Street,
Birmingham, B5 4UU

Date of Decision : 4 June 2026

DECISION

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Decision

1. The Tribunal hereby orders that Schedule 1 and Schedule 2 in the Improvement Notice dated 6 February 2025 be varied as detailed in the Appendix to this decision.

Reasons for Decision

Introduction

2. On 26 February 2025, the First-tier Tribunal (Property Chamber) received an application from Mayfair Propertiez Ltd ('the Applicant') for an appeal under Paragraph 10 of Schedule 1 to the Housing Act 2004 ('the Act').
3. The appeal related to an Improvement Notice dated 6 February 2025 ('the Notice'), served upon the Applicant by Solihull Metropolitan Borough Council ('the Respondent') relating to the property known as Property 3 80 Warwick Road Olton Solihull B92 7JJ ('the Property'), of which the Applicant is the leasehold owner.
4. The Respondent served with the Notice a statement of reasons as to why the decision to take enforcement action had been taken and a Demand for Payment, which demanded a sum of £526.00 in respect of the Respondent's costs for serving the Notice.
5. The Applicant's appeal which seeks to challenge the notice was received in time.
6. The Notice detailed, in Schedule 1, various deficiencies at the Property, classified as seven separate hazards. (The hazards are not in consecutive numerical order due to being carried over from the preceding schedule of works.)
7. The hazards were described as:
 - Hazard 1 - a category 1 hazard in respect of Dampness and mould;
 - Hazard 2 - a category 2 hazard in respect of Excess cold;
 - Hazard 15 - a category 2 hazard in respect of Domestic Hygiene, pests and Refuse;
 - Hazard 16 - a category 2 hazard in respect of Food safety;
 - Hazard 17 - a category 2 hazard in respect of Personal hygiene, Sanitation and Drainage;
 - Hazard 20 - a category 2 hazard in respect of Falling on level surfaces;

- Hazard 23 - a category 2 hazard in respect of Electrical hazards;
8. The Tribunal assembled an Applicant's and a Respondent's bundle but both parties agreed to use the Applicant's bundle. The matter was listed for an inspection to take place on 30 April 2026, with an oral hearing thereafter.

The Law

9. The Act introduced a new system for the assessment of housing conditions and for the enforcement of housing standards.
10. The Housing Health and Safety Rating System ('the HHSRS') replaced the system imposed by the Housing Act 1985, which was based upon the concept of unfitness. The HHSRS places the emphasis on the risk to health and safety by identifying specified housing related hazards and the assessment of their seriousness by reference to (1) the likelihood over the period of 12 months of an occurrence that could result in harm to the occupier and (2) the range of harms that could result from such an occurrence.
11. These two factors are combined in a prescribed formula to give a numerical score for each hazard. The range of numerical scores are banded into ten hazard bands, with band A denoting the most dangerous hazards and Band J the least dangerous. Hazards in Bands A to C (which cover numerical scores of 1000 or more) are classified as 'category 1 hazards' and those in bands D to J (which cover numerical scores of less than 1000) are classified as 'category 2 hazards'.
12. Where the application of the HHSRS identifies a category 1 hazard the local housing authority has a duty under section 5(1) of the Act to take appropriate enforcement action. Section 5(2) sets out the courses of action (which include the serving of an improvement notice) which may constitute appropriate enforcement action.
13. Where the application of the HHSRS identifies a category 2 hazard the local housing authority has a power under section 7(1) of the Act to take enforcement action. The serving of an improvement notice is one of the types of enforcement action which may be taken.
14. Section 9 of the Act requires the local housing authority to have regard to any guidance for the time being given by the appropriate national authority about the exercise of their functions in connection with the HHSRS. In February 2006 the Secretary of State issued the 'Housing Health and Safety Rating System – Operating Guidance' ('the Operating Guidance') which deals with the assessment and scoring of the HHSRS hazards. At the same time the Secretary of State also issued the 'Housing Health and Safety Rating System – Enforcement Guidance' ('the Enforcement Guidance'), which is intended to assist local housing authorities in deciding which is the most appropriate course of action under section 5 of the Act and how they should exercise their discretionary powers under section 7 of the Act.

15. The person upon whom an improvement notice is served may appeal to the First-tier Tribunal (Property Chamber) under Part 3 of Schedule 1 to the Act. Under paragraph 15(2) of Schedule 1 –

“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.”*

And, under paragraph 15(3) of Schedule 1, the Tribunal may confirm, quash or vary the notice.

16. Section 49 of the Act confirms that a local housing authority may recover expenses relating to enforcement action and section 49(1) states as follows:

“(1) A local housing authority may make such reasonable charge as they consider appropriate as a means of recovering certain administrative and other expenses incurred by them in –

- (a) serving an improvement notice under section 11 or 12”*

However, under section 49(7) of the Act:

“(7) Where a tribunal allows an appeal against the underlying notice or order mentioned in subsection (1), it may make such order as it considers appropriate reducing, quashing, or requiring the repayment of, any charge under this section made in respect of the notice or order.”

Inspection

17. The Tribunal inspected the Property on 30 April 2026. The Applicant was represented by Akeel Aziz. The Respondent was represented by Mr David Clark, a Housing Standards Compliance Officer employed by the Respondent. Mr David Howes, Chartered Environmental Health Practitioner employed by the Respondent was in attendance but remained outside the property. The tenant was present, together with his mother.
18. The subject property occupies the top floor of a three storey, semi-detached building constructed in the late 19th Century or early 20th Century. The property has been split to form self-contained flats on each storey with communal hallway and stairs. Construction consists of standard solid masonry walls, under a slate roof, to which a dormer extension has been added to the front pitch and rear pitches. A render finish had been applied to the bottom half of the gable end wall. Flat 3 comprises a bedroom, kitchen and bathroom, all accessed off the hallway within the flat. Heating was noted to be provided by electric panel type heaters. Windows were noted to be PVC double glazed. The front facade of the building is Northeast facing.

Hearing

19. Following the inspection, a public hearing was held at the Tribunal's hearing rooms at Centre City Tower, Birmingham. The hearing was attended by Akeel Aziz for the Applicant. Ms Shields of counsel represented the Respondent, and Mr David Clark and Mr David Howes were also in attendance.

Submissions

Preliminary Point

20. The Applicant's submissions set out in the grounds of appeal were two-fold, namely "that some works recommended are not warranted and in addition to that we have some serious concerns about the competency of the officer who is producing these notices".
21. In his statement dated 8 July 2025, the Applicant also claimed that some of the hazards listed in the Notice such as the roof and cladding were freeholder's responsibility and not his as leaseholder.
22. The Respondent had not been able to serve the Notice on the freeholder, John Robertson and Robert Smith, due to their residential address at 83 Skelcher Road, Shirley, which Mr Clark visited personally, having been demolished and replaced with an industrial unit. The Applicant explained that when he purchased the leasehold in 2021, he had no contact with the freeholder and has none to this day. He pays no service charge and has an informal arrangement with the other leaseholders to repair and maintain the common parts.
23. Initially the Respondent argued that this point had not been formally pleaded in the appeal notice. After a short adjournment to consider the matter, however, the Respondent conceded the point and agreed to withdraw from the Notice deficiencies that were arguably the freeholder's responsibility namely:
- a. Hazard 1: felt/bitumen on flat roof of dormer of Property having failed;
 - b. Hazard 2:
 - missing and insufficient insulation to the pitch roof space;
 - the Property flat roof appears to be a cold deck construction;
 - c. Hazard 17: the external waste pipe from the dwelling has failed causing grey/waste water to run off onto common areas rather than into a drain;
 - d. Hazard 20: the waste pipe from the kitchen has failed and is leaking into the external communal area with the runoff becoming hazardous during freezing temperatures.
24. As a consequence, the Respondent withdrew in its entirety Hazard No 20: Falling on level surfaces.

The Applicant's submissions

25. The Applicant's remaining submissions, both written and oral, centred around two general arguments, the first relating to the Notice and the second relating to the Demand for Payment.

26. In respect of each hazard in turn, the Applicant argued as follows:

Hazard 1 - Category 1: Damp and Mould

27. The mould in both the kitchen and bathroom is no longer visible. This is due to repairs which the Applicant has voluntarily undertaken to the roof to prevent damp ingress. Given that Mr Aziz undertook these repairs in February 2025 and there is still no mould showing, he submits that the damp and mould issue is resolved.

28. The Applicant asserted that the black mould in the kitchen underneath the work tops on the right side aspect wall was due to the previous tenant storing unsuitable products there and that since her leaving the Property, that issue has resolved.

29. The Applicant has replaced the laminated floors in the kitchen and bathroom.

30. There is no need for a seal on the abutment between the wash hand basin and splash back in the bathroom, as there is no reason for water ingress from the basin.

31. There is no need for a sealant at the abutment of the bath panel to the floor because the purpose of the panel is to be removable in order to access the pipes. This would be hindered by such a sealant.

Hazard No 2 - Category 2: Excess Cold

32. Upon the Respondent no longer pursuing improvements to the insulation and cold deck construction, the excess cold hazard centred around the heating system.

33. The Applicant asserted that the Respondent's requirement under the Notice to replace the current on demand panel heaters with energy efficient storage heaters is disproportionate. The Property is not a new-build and the current heaters can be thermostatically controlled. Whilst the Applicant concedes in the EPC (compiled by himself) that the Property's main heating efficiency rating is 'very poor', the overall energy rating is D whilst the minimum legal requirement is E.

34. The Respondent's contention that the previous tenant said she quit the tenancy because of the cold was dismissed by the Applicant as hearsay.

Hazard No 15 - Category 2: Domestic Hygiene, Pests and Refuse

35. The Applicant asserted that the gap in the ceiling in the hallway is small, there is no evidence of pests (such as mice/rats/insects) and that this hazard is entirely speculative. He denied there are any other gaps in the loft.

Hazard 16 - Category 2: Food safety

36. The Applicant asserted that he repaired the edging of the worktop to the front and right side aspect wall in the kitchen with PVC strips by January 2026. He denied that the missing grout around the tiles on the splash back to the sink is a hazardous deficiency. He has replaced the kitchen flooring.
37. The Applicant asserted that there are sufficient electrical sockets above the worktops: a double one behind the microwave, one to the right of the fridge and one on the wall adjacent to the living-room/bedroom. He asserted that the latter two sockets are not hazardous in that they are both adjacent to even if not actually above the worktop.

Hazard 17 - Category 2: Personal hygiene, Sanitation and Drainage

38. There is overlap here with Hazard 1 (Damp and Mould). The outstanding matters concerned the boarding over the window in the bathroom having been covered in black mould. The Applicant pointed out that this has now been cleaned and is no longer a deficiency.

Hazard 23 - Category 2: Electrical hazards

39. Besides the socket in the kitchen (Hazard 16), this centred on the electrical socket in the bathroom. The Applicant notes that the 3 pin socket has been replaced with a switched fuse spur socket.
40. The electrical socket in the bedroom/living room next to the bed can be readily secured more tightly to the wall.

The Respondent's Submissions

41. The Respondent by its submissions both written and oral, argued that they acted appropriately in issuing the Notice and that whilst some works of improvement had been carried out between September 2024 and January 2025, the works included in the Notice had not.
42. The Respondent reminded the Tribunal that pursuant to Manaque v London Borough of Lambeth, [2025] UKUT 97 (LC), the correct date at which to assess the appropriateness of the Notice was the date of the inspection namely 16 January 2025.
43. The Respondent also relied upon paragraphs 4.16-4.17 of the Enforcement Guidance as to multiple hazards, to assert that where they were obliged to take action on a category 1 hazard, it was appropriate to take action at the same time on multiple category 2 hazards because they have a cumulative effect on risk.
44. In respect of each of the hazards, the Respondent argued as follows:

Hazard 1 - Category 1: Damp and Mould

45. The Respondent argued that it does not know what repairs the Applicant has done to the roof and cannot be sure that the damp and mould will not return in time, particularly if it has not been treated by anti-fungicidal wash.

46. The mould on the panel over the bathroom window, whilst free of mould at the date of the Tribunal inspection, is likely to return given that the window is not double glazed and the panel blocks the free flow of air.
47. The lack of seal on the abutment between the wash hand basin in the bathroom and splash back is likely to cause water ingress and thereafter re-evaporation causing dampness within the Property.
48. The lack of a sealant at the abutment of the bath panel to the floor is likely to cause water ingress and potential pooling and thereafter re-evaporation causing dampness within the Property. Access to the pipework underneath the bath can still be maintained even with a sealant at the abutment to the floor, as this would act as a hinge for the panel.

Hazard No 2 - Category 2: Excess Cold

49. The Respondent asserted that the on demand panel heaters are inefficient and unaffordable.
50. The Respondent relied upon CIEH Excess Cold Enforcement Guidance at page 22 in respect of panel heaters: "In general, they can only be considered suitable as supplementary heating and sometimes in bedsit type HMOs."
51. The Respondent also relied generally upon the case of Liverpool City Council v Kassim [2012] UKUT 169 (LC) to argue that the correct approach is to assess a property on the basis of the category of the most vulnerable person who may live there.
52. Mr Clark variously said that 'we assess on the basis of the most vulnerable person who might live there' and 'the council determines the hazard on behalf of the over 65s'.
53. Whilst the Property may not be suitable for the over 65s given the steep double flight of steps up to its entrance, he said that it could house a single mother and young child, who could be vulnerable to cold and affordability issues. Indeed, Mr Clark asserts that the previous tenant said that the reason she was quitting the tenancy was because the Property was too cold.
54. Mr Clark also asserted that if the Respondent was removing the obligation upon the Applicant to insulate the loft, it was all the more important that appropriate heaters were installed.
55. Mr Howes asserted that panel heaters are usually 4-5 times more expensive than gas fired central heating and less efficient than an Economy 7 storage type heater. As a result, a tenant would be less likely to put the heating on and therefore be vulnerable to excess cold.
56. The Respondent conceded however that they had not adduced any data proving the alleged difficulty and unaffordability of heating the Property to suitable temperatures. They assert this can be deduced from the type of heater and the location of the Property, being on the top floor with a north facing wall. The

residence below is currently unoccupied but in any event, the occupants of the Property should not have to rely upon heat rising from the ground floor residence to assist with their own heating.

Hazard No 15 - Category 2: Domestic Hygiene, Pests and Refuse

57. The Respondent asserted that any gap in the ceiling even if modest in size is a deficiency liable to cause a hazard as it can be used by pests such as mice or insects to access and nest in the loft, where they suspect there are other such gaps.

Hazard 16 - Category 2: Food safety

58. The Respondent asserted that even the new PVC edging is poorly installed and remains difficult to clean. The missing grout is hazardous because food or water could get caught, causing unhygienic or damp conditions.
59. In respect of the electrical sockets, the Respondent relied upon the Operating Guidance para 16.16: "There should be sufficient appropriate power sockets associated with the worktop(s) (as well as those provided for equipment such as refrigerators and washing machines)".
60. The Respondent asserted that the socket of particular concern is that on the wall adjacent to the living-/bedroom which would cause a trailing cable to an appliance on the adjacent work surface. It's a surface that could well be used for a kettle which would constitute a significant hazard of catching one's arm in the cable and causing boiling water to spill over the work surface and adjacent cooker.

Hazard 17 - Category 2: Personal hygiene, Sanitation and Drainage;

61. The Respondent remained concerned about the boarding over the bathroom window which is not double glazed and is likely to trap condensation and continue to cause a damp and mould/personal hygiene hazard.

Hazard 23 - Category 2: Electrical hazards

62. Whilst the Respondent acknowledged that the 3 pin socket had been replaced with a switched fuse spur socket, they noted that the new socket is insufficiently tightly secured and therefore remains a hazard.

Competence of the Council

63. The Applicant by his Appeal Notice challenged the competence of the Respondent and relied on this primarily to challenge the Respondent's demand for him to pay £526 pursuant to s49 of the Act to meet the cost of serving the Notice.
64. The Applicant considered that but for the Respondent's incompetence, the Notice need never have been served. There had been an initial, informal visit on 18 September 2024 at which he had been present and in response to which by Jan/Feb 2025 he had addressed those deficiencies he considered required remedying.

65. The Applicant considered that if only the Respondent had responded to his telephone calls and been more communicative and conciliatory generally, any outstanding deficiencies could have been remedied after the visit on 16 January 2025 without the need for or expense of enforcement action.
66. The Respondent considered that it was entitled to make the Demand for Payment pursuant to s49 of the Act to cover its reasonable costs of carrying out the inspection, making the assessment, drafting and serving the Notice. The sum of £526 is set by a committee of elected members.

The Tribunal's Deliberations

67. The Tribunal considers that the Respondent conducted the procedure leading to the Notice according to its policies and that they were entitled to attend on the second occasion on 16 January 2025 to investigate which hazards remained outstanding from the earlier schedule of works, or to identify further hazards.
68. Given that at the date of the second visit they considered there to be outstanding hazards, they were entitled to serve the Notice and make Demand for Payment for their costs.
69. The Tribunal finds that there are outstanding hazards and that accordingly, the Respondent was right to take enforcement action and is entitled to its costs. The Respondent explained that these are fixed by elected members of the council at £526 and the Tribunal considers this sum to be reasonable. No alternate figure was offered by the Applicant nor was there serious challenge as to how the Respondent had calculated this figure.
70. Turning to the hazards detailed on the Notice and specification of works required, the Tribunal comments as follows:

Hazard 1 – Damp and Mould

71. As accepted by the Respondent at the hearing, the deficiency relating to the felt/bitumen on the Property roof of the dormer was not the responsibility of the Applicant.
72. The remaining deficiencies identified in the Notice either remain or are not as yet proven to be resolved.

Hazard 2 – Excess cold

73. As accepted by the Respondent at the hearing, the deficiency relating to the insulation and the Property roof was not the responsibility of the Applicant.
74. The Tribunal considers that the Respondent has not proven its case that the heating provision in the Property is not suitable. The Tribunal notes that in the case of Kassim, which the Respondent relied upon, at para 16 the relevant vulnerable person to be considered in respect of excess cold by reference to s6(7) of the HHSRS 2005 Regulations is somebody aged over 65, not, as the

Respondent argued, whoever might be the most vulnerable person to live at a particular property which in the instant case they considered to be a young child with a single mother.

75. Further, unlike in Kassim, the Respondent did not produce any modelling to prove that it would be either difficult or unaffordable to heat the rooms to the requisite temperature. There was no evidence offered for the comparative heating costs of space heating. The Tribunal notes that the rooms are small and the Property compact which would have a significant impact on heating costs. Accordingly, the Tribunal did not consider that the item of heating provision should have been included on the Notice.

76. The Tribunal has regard to paragraph 4.10 of the Enforcement Guidance which states:

“...a hazard might be significant only in relation to a category of occupant who was not in residence and would not reasonably be expected to live there in the medium to long term. Therefore, even in the case of a category 1 hazard there is a broad range of responses.”

77. The Enforcement Guidance goes on to state that:

“...where it appears unlikely that vulnerable occupants will occupy the premises in the medium to long term (perhaps because they are let by an educational body to their students) it may be that a hazard awareness advice is more appropriate.”

78. It is the Tribunal's view that occupants from the relevant vulnerable group are unlikely to occupy the flat in the medium to long term given its location on the uppermost storey and the steep nature of the stairs leading to the flat.

Hazard 15 – Domestic Hygiene, Pests and Refuse

79. The Tribunal considers that the inclusion in the Notice of a small hole in the hallway ceiling as a deficiency constituting a category 2 hazard is excessive. It notes that the deficiency scored just 2 and was bracketed as band J.
80. The Tribunal considers that the risk of such a small hole in the hallway ceiling is negligible and in and of itself is not likely to cause harbourage of pests. Accordingly, the Tribunal does not consider that this item should have been included on the Notice.

Hazard 16 – Food safety

81. The Tribunal accepts the Respondent's evidence as to the deficiencies in the kitchen giving rise to food safety hazards. Uneven surfaces are difficult to clean and provide an environment for bacteria to grow.
82. The Tribunal considers that the issue of the electrical socket which was not flush above the worktop on the kitchen/bedroom partition wall constitutes a hazard

of Flames, Hot Surfaces etc rather than one of Food Safety. It therefore creates a new Category 2 hazard, Hazard 24.

Hazard 17 – Personal Hygiene, Sanitation and drainage

- 83. The Respondent conceded that the external waste pipe should be removed as a deficiency.
- 84. The Tribunal considers that the remainder of the deficiencies giving rise to this hazard were made out.

Hazard 20 – Falling on level surfaces

- 85. The Respondent conceded that this hazard should not have been included in the Notice.

Hazard 23 – Electrical Hazards

- 86. The Tribunal considers that the deficiencies were properly included in the Notice, although inclusion of the inadequate number of electrical sockets in the kitchen was, as already indicated, more appropriately included under a new hazard: Flames, Hot Surfaces etc.
- 87. The Tribunal notes that the Applicant had replaced the 3 pin power socket in the bathroom with a switched fuse spur. The Tribunal considers it more likely than not that the Applicant replaced this after service of the Notice.

Hazard 24 – Flame, Hot Surfaces etc

- 88. The Tribunal considers that the inadequate number of electrical sockets provided above the worktops in the kitchen was more appropriately described as a hazard of Flame, Hot Surfaces etc. It considers that the socket on the living-/bedroom wall should be moved so as to be above the nearby worktop.

Conclusions

- 89. Under paragraph 15(2) of Schedule 1 to the Act, an appeal to the Tribunal is by way of a re-hearing but may be determined having regard to matters of which the local authority was unaware.
- 90. Based on all the evidence before the Tribunal, and for the reasons stated in the paragraphs above, the Tribunal determines that the Notice should be varied as the Tribunal has found that certain items should not have been included on the original Notice. Whilst it was apparent at the time of the Tribunal's inspection that some work had been carried out at the Property, where the Tribunal is satisfied that such work post-dated the date of the Notice, such items remain in the schedule below.
- 91. Although the Tribunal determines that the Notice should be varied, it accepts, as previously stated, that the Respondent was correct in taking formal action in the form of an improvement notice and also finds that any improvement notice

issued at that time would have included many of the hazards detailed in the Notice.

92. The Tribunal considered all of the evidence submitted by the parties, both written and oral, summarised above. The Tribunal answers the questions set out in the Directions dated 18 June 2025 as follows:

- Has the improvement notice been served on the correct person?

Yes. The Respondent withdrew those deficiencies that were the Freeholder's rather than the Leaseholder's responsibility, so the Tribunal considers that the improvement notice was served on the correct person.

- Has the council gone through the necessary steps prior to issue of the improvement notice?

Yes. An inspection attended by Mr Aziz took place on 18 September 2024 followed by a further inspection by the Respondent on 16 January 2025 and thereafter service of the Notice. Evidence within the Respondent's bundle demonstrates that the appropriate risk assessments under the HHSRS have been conducted.

- Do hazards exist and if so what category?

The Tribunal finds that the following hazards exist:

Category 1

Damp and Mould

Category 2

Domestic Hygiene, Pests and Refuse

Food Safety

Personal Hygiene, Sanitation and Drainage

Electrical Hazards

Flames, Hot Surfaces etc

- Should the council have taken enforcement action?

Yes, there was a Category 1 and multiple Category 2 hazards. The Respondent was obliged to serve notice as to the Category 1 hazard and were empowered to serve notice on the Category 2 hazards. The Tribunal agrees that multiple hazards were in existence (albeit some were low scoring category 2 hazards) and that the Enforcement Guidance supports taking enforcement action in this type of situation.

- If so, what enforcement action is appropriate?

The Tribunal considers that the Improvement Notice was the appropriate and proportionate enforcement action for the Respondent to take in the circumstances. A Hazard Awareness Notice would not have been

appropriate given the nature of the hazards and also because the Applicant had already been given the opportunity to rectify the deficiencies identified in a schedule of works following the inspection on 18 September 2024.

- If an improvement notice is the correct action, should the terms be varied? (specified remedial works and/or timescale). The Tribunal considers that the specified remedial works should be varied as set out in the Appendix to this decision, but the timescale should remain unchanged.
- If works in the schedule are found to require vacant possession would a prohibition order be more appropriate?
- The works do not require vacant possession and a prohibition order would be disproportionate.

93. Accordingly, although the Tribunal orders that the Notice should be varied, it makes no order in respect of the Demand for Payment and the sum demanded of £526.00 is still payable by the Applicant.

Appeal

94. If either party is dissatisfied with this decision they may apply to this Tribunal for permission to appeal to the Upper Tribunal (Lands Chamber). Any such application must be received within 28 days after these written reasons have been sent to the parties (Rule 52 of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013).

Judge N Candlin

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Judge

SCHEDULE 1

In the opinion of the Tribunal, the property known as Property 3 80 Warwick Road Olton Solihull B92 7JJ has the following hazards:

Hazard 1	
NATURE OF HAZARD	Damp and mould
CATEGORY OF HAZARD	Category 1
LOCATION	Kitchen, Bathroom
DEFICIENCY GIVING RISE TO HAZARD	1. There is black mould on the ceiling and above the window in the bathroom and on the ceiling. 2. There are high moisture readings taken in the kitchen rear and right side aspect dormer wall and ceiling (as viewed from the front) there are high moisture readings in addition to bubbling paint on the wall and ceiling on the front aspect dormer wall. 3. There is black mould in the kitchen underneath the work tops on the right side aspect wall. 4. There is no seal on the abutment between the wash hand basin and splash back in the bathroom. 5. The bath panel is not seated correctly and not sealed at the abutment to the floor. There are gaps around the tiles and bath that could allow water penetration. 6. The bathroom floor is not sealed around any edges which can allow water ingress.
DATE THE REMEDIAL WORKS MUST START	2 July 2026
DATE THE REMEDIAL WORKS MUST BE COMPLETED	3 August 2026

Hazard 2	
NATURE OF HAZARD	Excess Cold
CATEGORY OF HAZARD	Category 2
LOCATION	Whole property
DEFICIENCY GIVING RISE TO HAZARD	1. There is damp in the kitchen rear and right side aspect wall and ceiling (as viewed from the front).

	2. There are high moisture readings from damp on the front and right aspect wall and ceiling in the kitchen which will cause thermal breaching.
DATE THE REMEDIAL WORKS MUST START	2 July 2026
DATE THE REMEDIAL WORKS MUST BE COMPLETED	3 August 2026

Hazard 16	
NATURE OF HAZARD	Food Safety
CATEGORY OF HAZARD	Category 2
LOCATION	Kitchen
DEFICIENCY GIVING RISE TO HAZARD	1. There is damage to the worktop on the front aspect wall in the kitchen and gaps between the worktop and tiling on the walls. 2. There is missing grout around the tiles and gaps around the poorly installed edging making it difficult to clean food or food spillages in these areas. 3. There is damaged and worn laminate flooring. The outer areas of the individual laminate planks in the kitchen which exposes the MDF material which is absorbent and not easily cleansable. 4. There is an inadequate amount of electrical sockets provided above the worktops within the kitchen.
DATE THE REMEDIAL WORKS MUST START	2 July 2026
DATE THE REMEDIAL WORKS MUST BE COMPLETED	3 August 2026

Hazard 17	
NATURE OF HAZARD	Personal hygiene, sanitation and drainage
CATEGORY OF HAZARD	Category 2
LOCATION	Bathroom

DEFICIENCY GIVING RISE TO HAZARD	1. The floor in the bathroom is defective due to poor construction and maintenance. There is missing grout between tiles and a non smooth material abutted to the base of the toilet basin and to the pedestal of the wash-hand basin and a non smooth surface near the door threshold resulting in an area difficult to clean. 2. The bathroom wall shared with the kitchen has been filled in one section, to a non smooth or painted finish resulting in an area difficult to clean. 3. The boarding over the window in the bathroom is not a smooth surface and is covered in black mould and cannot be cleansed due to the finish. 4. There is no sealant at the abutment between the wash hand basin and tiles.
DATE THE REMEDIAL WORKS MUST START	2 July 2026
DATE THE REMEDIAL WORKS MUST BE COMPLETED	3 August 2026

Hazard 23	
NATURE OF HAZARD	Personal hygiene, sanitation and drainage
CATEGORY OF HAZARD	Category 2
LOCATION	Bathroom and bedroom/living room
DEFICIENCY GIVING RISE TO HAZARD	1. There is a 230v, 3 pin socket on the wall in the bathroom within 3 metres of the bath. 2. The electrical socket in the bedroom/living room next to the bed is not sufficiently secured to the wall.
DATE THE REMEDIAL WORKS MUST START	2 July 2026
DATE THE REMEDIAL WORKS MUST BE COMPLETED	3 August 2026

Hazard 24	
NATURE OF HAZARD	Flames, hot surfaces etc

CATEGORY OF HAZARD	Category 2
LOCATION	Kitchen
DEFICIENCY GIVING RISE TO HAZARD	1. There is an inadequate amount of electrical sockets provided above the worktops within the kitchen.
DATE THE REMEDIAL WORKS MUST START	2 July 2026
DATE THE REMEDIAL WORKS MUST BE COMPLETED	3 August 2026

SCHEDULE 2

Specification of works to be carried out

These are the remedial actions to be carried out at Property 3 80 Warwick Road Olton Solihull B92 7JJ which the Tribunal considers practical and appropriate to take in relation to the hazards in Schedule 1 above:

Hazard 1: Damp and mould

1. Replace the board affixed to the window in the bathroom with a cleansable material and ensure that there is insulation installed in the cavity between the outer window and board.
2. The areas affected by mould in both the bathroom and kitchen should be thoroughly cleaned with an approved anti-fungicidal chemical. The cleaned areas should then be redecorated with a mould resistant paint although this may require the whole room to be re-decorated and timber skirting boards rubbed down and re-painted.
3. The bathroom is to have mechanical ventilation in proper working order, capable of

providing a ventilation rate of at least fifteen (15) litres per second. The system is to be coupled to the light switch and incorporate a 15 minute over-run period or an appropriately set humidity start.

4. Complete all works as detailed in Schedule 2 Hazard no. 17 - Personal Hygiene, Sanitation and drainage

Hazard 2: Excess cold

5. Complete damp remediation as described in Schedule 2 Hazard 1 above.

Hazard 16: Food Safety

6. Replace the damaged worktop under the window in the kitchen with a suitable, easily cleansable worktop.
7. Ensure that all gaps between the wall tiles are fully grouted and then apply sanitary silicone sealant at the abutment of the worktop and wall tiles.
8. Replace the UPV trim on the kitchen worktop edges with purpose made worktop trim that sits flush with the worktop, has no gaps and is cleansable.
9. Remove the existing laminate flooring from the kitchen and replace with a non-permeable and easily cleaned floor. Ensure that the floor is sealed at all edges with a sanitary sealant
10. Re-site the electrical socket in the kitchen on the wall adjacent to the living/bedroom so that it sits over the worktop

Hazard 17: Personal hygiene, sanitation and drainage

11. Remove the floor tiles in the bathroom and all additional tile adhesive and replace with an easily cleansable and non-porous flooring. Ensure that the new flooring is neatly fillet sealed with a sanitary silicone sealant at all edges including the toilet basin, outer bath and wash basin pedestal to prevent any spilled or escaped water to run away.
12. Repair the wall in the bathroom that has been filled near the heater. The wall will need to be smooth and painted with a cleansable bathroom paint.
13. Repair and neatly fillet seal all gaps around the bath panel with a sanitary silicone sealant to prevent water ingress.
14. Repair and neatly fillet seal with a sanitary silicone sealant all holes and gaps around fixtures, pipework and tiles in the bathroom to prevent water ingress and ensure the areas are cleansable.
15. Ensure the abutment between the wash hand basin and splashback is neatly fillet sealed with a sanitary silicone sealant.
16. Ensure the abutment between the bath interior and wall tiles is neatly sealed with sanitary silicone sealant.
17. Replace the board affixed to the window in the bathroom with a cleansable material and ensure that there is insulation installed in the cavity between the outer window

and board.

Hazard 23: Electrical hazards

18. Refix electrical socket in the living room/bedroom on the wall adjacent to the kitchen
Ensure that there is no movement when it is used for purpose.
19. Hire a suitably qualified electrician to remove the 240v, 3 pin socket from the bathroom. There is a heating requirement for the bathroom so ensure that the heater is installed in accordance with BS7671: 2008, (as amended to 2011), 17th Edition of the IEE regulations and are to be Part P approved under the current Building Regulations requirements, (Approved Document P).

Hazard 24: Flames, Hot Surfaces etc

20. Re-site the electrical socket in the kitchen on the wall adjacent to the living/bedroom so that it sits over the worktop.