FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case reference	**:**	**LON/00AM/HPO/2026/0004**
Property	**:**	**Flat 1, First Floor Front Room, 81 Glenarm Road, London, E5 0LY**
Applicant	**:**	**MR OYEDELE ODENIRAN**
Representative	**:**	**Miss Shiels, Counsel Stephensons Solicitors**
Respondent/Council	**:**	**London Borough of HACKNEY**
Representative	**:**	**Mr Williams, Counsel**
Type of application	**:**	**Appeal against a prohibition order Sections 20 and/or 21 and paragraph 7(1) of Schedule 2 to the Housing Act 2004**
Tribunal	**:**	**Judge Vodanovic Ms F Macleod**
Decision date	**:**	**13.10.2026 (hearing held on 22.9.2026)**

DECISION

The Tribunal confirms the Prohibition Order served under sections 20 and 21 of the Housing Act 2004 ("the Act").

The Appeal hearing

1. This is an appeal against a Prohibition Order made in respect of Flat 1, First Floor Front room, 81 Glenarm Road, London, E5 0LY ('**the Property**'). Mr Odeniran attended the hearing, represented by Miss Shiels of Counsel. London Borough of Hackney (LBH) was represented by Mr Williams of Counsel. In attendance were two witnesses on behalf of LBH, Ms Choy-Leen Wilkin and Mrs Nedra Waterman.

© CROWN COPYRIGHT

2. The Tribunal had the benefit of three separate bundles: the Applicant Hearing Bundle (AB), the Respondent Hearing Bundle (RB) and the Applicant Reply Bundle (AR). All references to numbers in square brackets are to the pages of one of three bundles, identified by prefixes AB, RB, and AR to denote which bundle they refer to.

3. An inspection was not deemed necessary and no directions were made for such an inspection. The Tribunal was able to consider the Property based on the photographs, the plan, the descriptions of the witnesses and the measurements provided.

4. Miss Shiels confirmed at the outset of the hearing that there were no procedural points being taken in relation to the procedure for serving a Prohibition Order, including the content thereof and service of the documents. The *written* grounds of appeal related to a very narrow issue, namely that the Prohibition Order, whilst justified of itself, should have been suspended.

5. The Tribunal further clarified with the parties that the only real hazard that was in issue, and which led to the making of a Prohibition Order, was the Crowding and Space hazard. Whilst there were a number of other hazards present, it was in essence this hazard alone which (in LBH's opinion) justified the making of a Prohibition Order. LBH confirmed that the other hazards are unlikely to have warranted the making of such an order, with other enforcement action being more appropriate. In the circumstances, it was agreed between the parties that the hazard of Crowding and Space was the only relevant one to be considered.

6. During opening submissions, it transpired that Miss Shiels was pursuing a further point beyond the written grounds of appeal set out in the documents. She was challenging the classification of the Crowding and Space hazard as a category 1 hazard, based on the assertion that the space which was disregarded by LBH in its measurements should in fact have been taken into account; had it been taken into account it would have

produced a lower score, below 1,000, and therefore that would have been a category 2 hazard; there would have been no duty on LBH to take enforcement action for such a hazard; LBH could have proceeded on the basis of merely engaging with Mr Odeniran in discussions as how best to use the room in the future, as he had been suggesting, especially bearing in mind that a possession order had been obtained from the county court.

7. Mr Williams objected to the introduction of this new basis of appeal but the Tribunal allowed Ms Shiels to put some questions based on this and see how it developed. Ms Shiels then made submissions in relation to this, which are dealt with further below in the Tribunal's reasons.

8. Mr Odeniran gave evidence by confirming his witness statement. He was asked a handful of questions only by the Tribunal and then by Mr Williams.

9. LBH's two witnesses also gave their evidence and were cross-examined by Ms Shiels.

10. Both Counsel made oral submissions.

Factual background and Description of Premises

11. The evidence before the Tribunal is largely agreed. The Property is a self-contained studio flat located on the upper ground floor of a converted Victorian terraced house containing multiple units (8 in total). The flat consists of a small entrance hall behind an inward opening front door, which then opens to the right into an open plan living area, with a slightly recessed kitchen area, encompassing sleeping arrangements on a sofa bed in the living area, and a separate shower room. There is no separate space for storage of clothes and no space for dining. The layout of the Property is as per the plan drawn at [RB35].

12. The freehold owner is Mr Odeniran. The Property is managed by Abundant Life Housing and Property Services Ltd. It was occupied by Christopher Robinson from 12 December 2017 until a date in May 2026 when he signed a new tenancy agreement with someone else on 20.5.2026. [RB 34, §4.5]

13. This Property came to LBH's attention on 20 May 2025 when Christopher Robinson contacted LBH complaining of disrepair, including damp and mould, faulty electrics, lack of cooking facilities, a lack of fire safety equipment and problems with the shower. LBH then wrote to the managing agents requesting a response within 14 days.

14. Following that complaint, on 10 June 2025, LBH officers Choy-Leen Wilkin and Nedra Waterman inspected the flat. During this inspection they observed:

- Extremely limited living space.
- A sofa bed being used for sleeping.
- No bed, wardrobe or chest of drawers.
- A defective window hinge affecting ventilation.
- No fixed heating system.
- A loose wash-hand basin.
- A defective extractor fan.
- Fluctuating shower temperatures.
- Fire safety concerns involving the entrance door and an electric scooter.

15. On 17 June 2025, LBH served notices under section 239 of the Housing Act 2004 to facilitate a further inspection of the property. That inspection took place on 25 June 2025 when LBH officers also measured the accommodation [RB35]. LBH calculated the usable floor area of the flat as **6.998 sq m**. Officers also measured the available kitchen worktop space and found that only approximately **0.22 sq m** was available for food preparation. They noted the absence of cooking facilities and concluded

there was inadequate room for normal furnishing and domestic activities. There was a further area of space measured at **1.386 sq m** which related to the space just behind the front door, and which was deemed by LBH as unusable and therefore not taken into account in respect of their assessment of the likelihood of risk of harm.

16. LBH commenced its Housing Health and Safety Rating System (HHSRS) assessment on 15 August 2025 and completed it on 28 August 2025. The assessment identified seven hazards. As already noted above, for the purposes of this appeal the only relevant hazard is that of Crowding and Space. The other hazards which were identified, but which did not take up much of the Tribunal's time during the hearing, were as follows: Excess Heat, Excess Cold, Food Safety, Fire, Entry by Intruders and Personal Hygiene, Sanitation and Drainage

17. The Crowding and Space hazard resulted in a finding that it was a Category 1 hazard [RB276]. LBH found that the accommodation was severely undersized. It concluded there was insufficient room for a single bed, wardrobe, chest of drawers or adequate living space. LBH considered this a significant health and safety risk and assessed it as a Category 1 hazard.

18. Following completion of the HHSRS assessment, LBH served a **Notice of Intention to Make a Prohibition Order** on Mr Odeniran on 29th August 2025. [RB 286]

19. On 2 September 2025, the County Court granted a possession order requiring Christopher Robinson to vacate the property by 16 September 2025. The possession proceedings were based partly on rent arrears. On this same date, Mr Odeniran notified LBH of the fact of the possession order and sought details of a schedule of work proposed for him to carry out so that he could determine whether the proposed Prohibition Order was the appropriate action to take [RB320 - 303].

20. LBH sent a response to Mr Odeniran on 3 September 2025 highlighting the issue as being one of the undersized room of the Property and that it should not be used for living accommodation [RB 302]. Mr Odeniran wrote back to reiterate the fact of the possession order and stated there was no need for a Prohibition Order in the circumstances [RB304].

21. Shortly thereafter, Mr Odeniran instructed representatives (London Property Licensing) to write on his behalf (see email dated 8 September 2025 at [RB349]). They sought a pause on the proposed course of action so that matters could be discussed.

22. Choy-Leen Wilkin responded on 10 September 2025 [RB359], explaining the hazards in detail and informing Mr Odeniran's representative that she was considering a Prohibition Order because "*there is insufficient space within the confines of the room for the provision and use of basic amenities and furniture for living and sleeping*." She invited suggestions for alternative uses of the space in the Property or ways in which it could be adapted.

23. There was no substantive response by Mr Odeniran to the invitation given for suggestions regarding alternative uses. On 11 September 2025, his representative merely confirmed receipt of the email correspondence dated 10 September 2025 [RB385]. By further email dated 24 September 2025 [RB400], Mr Odeniran's representative again sought that the service of the Prohibition Order be paused in order to allow time for vacant possession to be obtained (as the tenant was now appealing the possession order so a warrant could not yet be obtained), the property to be cleared and so that '*further discussions can take place about the longer term options for this unit of accommodation*'.

24. Choy-Leen Wilkin went on long-term leave around this time and her colleague, Colette Kirkbride, took over. She sent an email to Mr Odeniran's representative on 10 October 2025 [RB436] reiterating the unsuitability of the self-contained accommodation. The email further stressed that the

service of a Prohibition Order will give the tenant the right to alternative accommodation, even though this was not the reason for deciding to serve the Prohibition Order. Mr Odeniran's representative responded on 13 October 2025 to acknowledge receipt of this email and stated that Mr Odeniran will await the proposed Order [RB 436].

25. LBH served the **Prohibition Order on 27 November 2025** [RB51]. The accompanying Statement of Reasons explained that the principal reason for the Order was the severe Crowding and Space hazard arising from the size of the accommodation [RB39 - 49]. That Statement of Reasons set out a consideration of alternative enforcement options, a consideration of the engagement with Mr Odeniran and the contact had with the tenant of the Property and his wishes.

26. The Prohibition Order became operative 28 days after the date of service of the Order. Within that period, there was no further communication from Mr Odeniran.

27. Mr Odeniran then brought the appeal against the imposition of the Prohibition Order. His original grounds of appeal were [AB A-8]:

    (1) That possession proceedings were ongoing and the Order could not effectively be complied with whilst the tenant remained in occupation.
    (2) That the Council had chosen the wrong enforcement option.

28. Mr Odeniran filed expanded grounds of appeal [AB C-1] asserting that:

- The Council had failed to engage sufficiently before making the Order.
- The Order should have been suspended pending the possession proceedings and following the tenant leaving, the landlord would carry out the works.
- Insufficient time had been allowed for remedial works[1].

[1] This particular point was not pursued at the hearing.

29. As already explained above, the actual basis of the appeal is somewhat narrower than the above grounds. Mr Odeniran's Response to LBH's Bundle was to assert only that the Prohibition Order should have been suspended [AR]. At the hearing, Miss Shiels sought to expand somewhat on those grounds as already explained.

Central Issues in the Appeal

30. In the light of the above, and there being some movement on those grounds, the Tribunal amalgamated the various strands of the arguments raised and proceeded to consider the following issues:

    i) What is the categorisation of the Crowding and Space hazard?

    ii) What should have been the appropriate enforcement action taken?

    iii) Should the Prohibition Order have been suspended?

The Law

31. LBH, as a local housing authority, is subject to a statutory scheme, established under the Housing Act 2004 ("the Act"), and supplemented by the Housing Health and Safety Rating System (England) Regulations 2005 ("the Regulations"). The scheme requires a local housing authority, upon identifying a hazard under the Housing Health and Safety Rating System ("HHSRS"), to determine whether that hazard falls within Category 1 or Category 2 and thereafter to consider the appropriate enforcement response. The distinction is significant, as the existence of a Category 1 hazard imposes a duty upon the authority to take enforcement action (section 5 of the Act), whereas the response to a Category 2 hazard lies within its discretion (section 7 of the Act).

32. "Hazard" in this context means any risk of harm to the health or safety of an actual or potential occupier of a dwelling which arises from a deficiency in the dwelling.

33. The assessment of hazard severity is undertaken in accordance with the methodology prescribed by the Regulations. That exercise requires consideration of both the likelihood of an occurrence causing harm within the following twelve months and the probable range and seriousness of the harm which may result. The resulting score determines the hazard band and category.

34. In conducting an assessment, regard must be had to the deficiencies present within the dwelling and the risks those deficiencies pose to the health or safety of actual or potential occupiers. The HHSRS is intended to provide a structured framework for the assessment of risk rather than a definitive scientific measure.

35. Where enforcement action is required or considered appropriate, the authority has available to it a range of statutory powers, including the making of a Prohibition Order, the service of an Improvement Notice, and the service of a Hazard Awareness Notice. The authority must select the measure which it considers most appropriate having regard to the nature and seriousness of the hazard identified.

36. A Prohibition Order must clearly identify the hazard relied upon, the deficiency from which it arises, the premises affected, the statutory basis upon which the order is made and any remedial works which the local authority considers to be appropriate in light of the hazard (section 22 of the Act). The legislative scheme further provides for the suspension (section 23 of the Act), and variation or revocation of such an order where circumstances warrant (section 25 of the Act).

37. Section 24 of the Act provides that the Prohibition Order comes into effect at the end of 28 days beginning with the date the Order is made.

38. On appeal, the Tribunal's jurisdiction is not confined to a review of the local authority's decision-making process. The appeal proceeds by way of rehearing. Accordingly, the Tribunal is required to make its own findings of fact, determine for itself whether the relevant hazard exists, and reach

an independent conclusion as to the appropriateness of the enforcement action taken.

39. Whilst the expertise and assessment of the local housing authority are matters to which considerable weight may properly be attached, the Tribunal is not bound by the authority's conclusions. The Tribunal must evaluate the evidence before it and reach its own judgment on the existence, extent and seriousness of any hazard.

40. In carrying out that task, the Tribunal must have regard to the statutory guidance, including both the Operating Guidance and Enforcement Guidance. Those documents provide an important framework for assessment and enforcement decision-making, although they do not displace the Tribunal's obligation to determine the facts and exercise its own judgment.

41. The authorities recognise that HHSRS assessments necessarily involve evaluative judgments. Although the scoring exercise provides a structured means of assessing risk, the resulting figures should not be treated as possessing mathematical or scientific precision. The assessment of likelihood and harm involves an element of professional judgment which must be examined in the context of the evidence as a whole.

42. The Tribunal must therefore consider the HHSRS assessment, the reasoning underpinning that assessment, the relevant guidance and all other evidence before it. In reaching its conclusions, it is entitled to apply its own experience and common sense to the circumstances of the particular case.

43. Having undertaken that evaluative exercise, the Tribunal must determine whether the hazard alleged has been established and, if so, whether the Prohibition Order represents the appropriate and proportionate response. In reaching that determination, the Tribunal may confirm, vary or quash the order and may consider whether an alternative form of enforcement would better address the hazard identified.

44. There are 29 specific hazards that are identified in Schedule 1 of the Regulations as risks, and these are known as "prescribed hazards". Crowding and Space is one of those prescribed hazards.

45. The first step in assessing the hazard is to assess the likelihood, during the period of 12 months beginning with the date of the assessment, of a relevant occupier suffering any harm as a result of that hazard. Guidance published under section 9 of the Act gives national average likelihoods for each prescribed hazard but the assessor makes an individual assessment. The assessor's assessment of the likelihood is converted into one of 16 representative scale points on a range of likelihoods, 1:1 (i.e., certain) to 1:5600 (i.e., very unlikely). The scale points are set out in paragraph 6 of the Regulations.

46. The second step for the assessor is to consider the possible harm outcomes that could affect a person as a result of the hazard actually occurring. This is done by assessing the range of outcomes (of which there are 4 distinct classes) by means of the average spread of harms for each dwelling type (which are provided in Operating Guidance) and the characteristics of and conditions at, the individual dwelling. Each of the 4 classes of harm are attributed a representational scale point which are the harm outcome scores.

47. Using these two judgements made as to the likelihood of harm and the harm outcome, a single hazard score is produced using a formula set out in Regulation 6(5). Most assessors will use a computer model for this calculation. The hazard score will be a single integer. That integer identifies the hazard as a category 1 hazard if the integer is 1,000 or more, and a category 2 hazard if the integer is less than 1,000. Each hazard is also prescribed a band, between A and J according to its actual calculated score, as set out in paragraph 7 of the Regulations.

48. Consideration of the Operating Guidance in relation to the particular hazard of Crowding and Space is necessary when looking at relevant matters affecting likelihood and harm outcomes and how they might impact on the hazard assessment. [RB 543 - 546]

Conclusions:

Categorisation of the Crowding and Space Hazard

49. The existence of the hazard relating to Crowding and Space was not in dispute. Mr Odeniran accepted in his Response and through submissions made by his Counsel that the unit of accommodation being let out was limited in space and justified the existence of a hazard. It was the categorisation of that hazard that was in issue.

50. The central criticism as to that assessment was the failure to take into account the area of space behind the entrance door, measuring some 1.38 sq m, which LBH's officers had discounted as unusable. If that area, which measured some 1.38 sq m, was taken into account, it would have resulted in the overall space measurement being **8.378 sq m**. Miss Shiels sought to argue that is the basis on which the HHSRS assessment should have been carried out and had that been done, it would have '*undoubtedly*' resulted in a lower score and produced a Category 2 hazard. This matters, Miss Shiels argued, because with a lower score, this may well have amounted to a minor hazard, and a Category 2 hazard for which there was no duty to take action so a different enforcement outcome might, and should, have resulted.

51. The Tribunal was not persuaded by this argument. LBH's inspectors' decision not to take into account the space behind the door was plainly obvious and logical, and the Tribunal agreed this was the correct approach. The space behind the inward opening door was not usable, precisely because the door had to open into it. There was a wall to the right of that area creating a small hallway, which only then opened up into the

open plan living area. Mr Odeniran had every opportunity to present his case, and indeed evidence, as to the uses this space could be put to, but there was no such evidence and the Tribunal could not see any practical value in this small area.

52. In any event, the difference between the measurements of the Property based on the usable space only and the overall space available is relatively small, namely 1.38 sq m. There is nothing to suggest that this difference alone would have *undoubtedly* resulted in a lower score. LBH's witnesses were asked about a re-calculation with the 1.38 sq m added to the measurement, but were unable to respond given that Mr Odeniran was raising this issue for the first time at the hearing. It is therefore not particularly surprising that they were unable to answer what actual difference it would have made. But, in the Tribunal's decision, it matters not in any event: firstly, because it should not have been included in any measurement in the first place; and secondly, even if included, the quality of the space available would not have been improved sufficiently to adjust the likelihood of harm score.

53. As to the second point above, the Tribunal has already set out the method of assessment of the hazard which focuses on value judgments being made of the available space. Miss Shiels and/or Mr Odeniran might have been harbouring under a misapprehension that the measurements are data which is put into the system which calculates the risk and the score. This is not correct. The assessment of the likelihood of harm is an evaluative exercise based on a number of factors including the layout of the room, actual use of the room, and then the measurements. It does not necessarily follow that even if the extra area of 1.38 sq m had been taken into account as usable space that it would have produced a lower score.

54. LBH's assessors made a judgment as to the quality of the space that was available in the Property, bearing in mind what uses it has to have, namely the separation of different household activities, whether by physical separation or by a clearly defined space within a larger space (§11.13 of the

Operating Guidance [RB545]). A small kitchen space, lack of storage, lack of available space to pull out the sofa bed (confirmed by LBH's witnesses), lack of dining area, lack of separation of living and sleeping areas, etc, are all relevant factors. It is acknowledged within the Operating Guidance that a lack of space can have health effects on the occupants as well as increasing risks associated with a number of other hazards.

55. LBH's assessment of the quality of the space is set out in the HHSRS assessment itself and further in Choy-Leen Wilkin's witness statement at §4.10.1 to §4.10.13 [RB150 - 151]. The Tribunal entirely agrees with that assessment of the space and there is nothing within Mr Odeniran's evidence or submissions made on his behalf that can challenge that assessment and lead to a different conclusion. No technical or expert evidence was relied on by him.

56. LBH's own licensing standards provide measurements as to the size of self-contained bedsits/flats, namely between 13 sq m and 17.99 sq m. This is a guide of course, but the actual measurement of the available space within this Property, even taking into account the unusable space, falls far below the 13 sq m thought to be appropriate.

57. In the Tribunal's own assessment of the hazard, utilising the available information before it and its own expertise, it is accepted that an increased likelihood of harm, from the average of 1 in 4710 to 1 in 100, is justified. The average harm outcomes remained unchanged even on LBH's own assessment, such that the hazard score of 1117 is confirmed. It remains a Category 1 hazard and therefore LBH was a under a duty to take enforcement action.

<u>What should have been the appropriate enforcement action?</u>

58. The Tribunal agrees with the choice of enforcement action adopted by LBH. Put very simply, the size of the Property is the issue. No remedial works could have increased the floor area or the usable space and thereby

removed the hazard of Crowding and Space. The continued existence of the hazard was the issue in that it created a continuing risk to the current occupant of the Property, and indeed any future occupant.

59. The Statement of Reasons served with the Prohibition Order considered the various enforcement options [RB43]. An Improvement Notice would not have been appropriate given that there were no works that could increase the usable space. A Hazard Awareness Notice would not achieve anything in that it would impose no requirement for remedial action, leaving the occupant exposed to the hazard indefinitely. An Emergency Remedial Action or Emergency Prohibition Order was not deemed appropriate as there was no imminent risk of serious harm. A Demolition Order would clearly have been excessive.

60. The Tribunal agrees with LBH's evaluation of the various options set out above.

61. A Suspended Prohibition Order was not appropriate either for reasons set out below.

62. Under Mr Odeniran's various grounds of appeal that could be said to fall under this sub-heading, he argued that LBH failed to engage with him and discuss options as to how he could avoid enforcement action. He maintained that he was very open to such discussions but LBH failed to entertain it. Given that willingness to engage with LBH, he further argued that enforcement action should have been delayed until the tenant was evicted.

63. The Tribunal was not persuaded by this argument for a number of reasons:

    i) Mr Odeniran was told by LBH as early as 29 August 2025 of its intention to serve a Prohibition Order due to the lack of space within

the Property. That was some three months before the service of the actual Prohibition Order.

ii) The issue of the lack of space was reiterated in correspondence between the parties within those three months and during which Mr Odeniran was invited on a number of occasions to present his views as to the issue of lack of space.

iii) The discussion of the email correspondence between the parties as set out above in paragraphs 19 to 24 of this Decision clearly shows the focus of LBH's efforts to try and engage Mr Odeniran with the key issue and the repeated failure by him to provide any suggestions as to alternative uses of the Property.

iv) The Prohibition Order itself made it clear that if alternative remedial action could address the hazard, then the local authority should be contacted as it has power to vary a Prohibition Order. It did not become effective for another 28 days from the date of the Order and therefore Mr Odeniran still had time.

v) Whilst the Tribunal cannot take into account matters which have occurred after the Prohibition Order has become operative, it is nevertheless instructive that Mr Odeniran has *still* not provided an explanation as to what he might have proposed or discussed with LBH as an alternative. The absence of this detail does not support his argument that it would have been reasonable to delay in serving the Prohibition Order because the real question is: for what purpose? There are still no proposed plans as to what could be done to the Property, he has not engaged any architects or planners to look at the Property and/or the other units in the building to see what alternative uses can be proposed. He claimed that there were issues with access to the Property because of the tenant, but Mr Odeniran accepted that he had not asked the tenant for access for this particular purpose. In any event, the tenant moved out in May 2026 and yet no steps have been taken by Mr Odeniran since that time to look at any proposals.

vi) LBH did in fact delay the service of the Prohibition Order by three months which would have allowed Mr Odeniran ample opportunity to engage on a practical level with LBH. He did not do so, instead believing he had solved the issue by the fact that a possession order had been obtained against the tenant.

vii) That Possession Order did not however solve the issue because the tenant did not in fact leave in accordance with it prior to the service of the Prohibition Order.

64. For the reasons set out above, the Tribunal concludes that the appropriate enforcement action was indeed the service of a Prohibition Order because it prevented the continuation of the risk posed by the hazard to the current occupier and any future occupiers.

Should the Prohibition Order have been suspended?

65. There is power contained within section 23 of the Act to suspend the operation of a Prohibition Order until a time, or the occurrence of an event, specified in the order.

66. Practically speaking, this tends to be the case where there are certain works to be carried out which would remedy the hazard, and the suspension can operate until a specified time to allow for those works to be carried out. Or, more generally, until certain steps are taken to address the hazard such as a programme of improvement over a certain timescale. This is what was envisaged by the Enforcement Guidance at §5.24, 5.26 and 5.27 [RB 746] to be the purpose of suspension.

67. That is clearly an option where those works have been identified by the local authority and remedial action is recommended, or even if the landlord has proposed them. LBH could not identify any remedial works though and there was no evidence here from Mr Odeniran of any proposals that would address the cause of the Category 1 hazard, i.e. the lack of space.

68. A further reason for suspending a Prohibition Order could be to deal with the current occupancy of the Property such as to allow the tenant to move out on their own terms. The particular tenant's circumstances and wishes can be relevant at this juncture.

69. Mr Odeniran criticised LBH for not taking the tenant's wishes into account. That however is not supported by the evidence presented. Choy-Leen Wilkin did make contact with the tenant, Mr Robinson, prior to the service of the Prohibition Order. She invited him by way of letter dated 29 August 2025 [RB 294] to indicate his views. She then recorded his response in the Statement of Reasons at [RB 47] which was that he confirmed he was happy to proceed with the service of the Prohibition Order. He did not indicate any vulnerabilities that had to be taken into account.

70. The tenant's wishes however are only *a* consideration, and even if the tenant had indicated that the Prohibition Order should not be served or it should be suspended, it would not have been the decisive factor in the decision to serve it or suspend it.

71. A further strand of the argument made in favour of suspension was that this would have allowed LBH and Mr Odeniran to work together until perhaps the conclusion of any Possession Order appeal, and discussions could have taken place during this time. For reasons already set out above at paragraph 63 of this Decision, it is difficult to understand what discussions could have been had and what any suspension would have achieved.

72. Suspending the Prohibition Order would have meant that the risk posed to the occupant by the hazard continued. The Possession Order which had been obtained had not achieved the desired effect of the occupant vacating the Property and it would not have addressed any future occupancy without a Prohibition Order being put in place.

73. For the reasons set out above, the Tribunal affirms the Prohibition Order dated 27 November 2025.

Tribunal Judge Vodanovic

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).