



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

Case Reference : CHI/00MS/HIN/2020/0016

Property : 53 Gordon Avenue, Southampton SO14
6WH

Applicant : Jamba Estates Limited

Representative : Mrs Ropi Bassi

Respondent : Southampton City Council

Representative : Mr Martin Bennett

Type of Application : Appeal against variation of an
Improvement Notice

Tribunal Member(s) : Judge D. R. Whitney
Mr S Barnden FRICS

Date of Hearing : 10th December 2020 by CVP

Date of Decision : 30th December 2020

DETERMINATION

Background

1. The Applicant seeks to appeal the Respondent Council's refusal to vary an Improvement Notice.
2. An improvement notice was served dated 13th July 2020. The Applicants requested the Respondent to vary the terms of the Order. By notice dated 4th September 2020 the Respondent refused to do so. The Applicant made application to the Tribunal and directions were issued listing the matter for remote video hearing on 10th December 2020.
3. The parties have substantially complied with the directions and an electronic bundle was supplied. References in [] are to pages within that bundle.

Hearing

4. The start of the hearing was delayed due to technical issues with the parties and the panel accessing the FVH video platform. Eventually alternative arrangements were made. The Tribunal and Mrs Bassi as representative for the Applicant attended by CVP. Mr Bennett a Senior Technical Officer representing the Council was unable to access the CVP hearing using his computer. He dialled in to the hearing by telephone.
5. Both parties confirmed they were happy to proceed.
6. The Tribunal identified from what was called the "Case Update" [1] that the Applicant had obtained vacant possession of Flat E on 23rd November 2020. Upon questioning by the Tribunal Mrs Bassi explained that works had now begun and she anticipated that they would be completed by the end of December 2020.
7. Mr Bennett helpfully indicated that this may affect his position if works were now being undertaken. As a result, the Tribunal offered a short adjournment to the parties to enable them to reach an agreement. The Tribunal adjourned for approximately 30 minutes for the parties to discuss matters directly.
8. Upon resumption the parties agreed that they had reached an agreement. Mr Bennett was content to allow the Respondent time to complete the outstanding water heating works on the basis that the Applicant through Mrs Bassi had agreed not to re-let Flat E until the same had been inspected by the Council to confirm that they are happy that all works have been completed to their satisfaction. This is on the basis that Mrs Bassi explained that a

water heater for the sole use of Flat E was being fitted to a cupboard on the first- floor landing. Once fitted the Applicants plumbers will conduct tests to ensure the water pressure is adequate.

9. The Tribunal raised with the parties that it appeared they were inviting the Tribunal to agree to vary the Improvement Notice to suspend the same on these terms. Both parties confirmed the same.

Determination

10. Upon the Tribunal hearing the representations of both parties and being satisfied that it was in the interests of justice the Tribunal orders that the Improvement Notice dated 13th July 2020 is suspended.
11. The Notice is suspended on the basis that the Applicant acting by Mrs Bassi has confirmed that Flat E shall not be let as residential accommodation until the Respondent has inspected the Property and confirmed that all works required under the Improvement Notice have been undertaken to its satisfaction.

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at rpsouthern@justice.gov.uk being the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking