

# Y Tribiwnlys Eiddo Preswyl

## Residential Property Tribunal Service (Wales)

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### FINAL DECISION AND REASONS OF RESIDENTIAL PROPERTY TRIBUNAL (WALES) HOUSING ACT 2004

<b>Premises:</b>	10 Bridge Street, Llangollen
<b>LVT ref:</b>	RPT/0006/04/12
<b>Order:</b>	29 October 2014
<b>Applicant:</b>	Mr John Daniel Simon
<b>Respondent:</b>	Denbighshire County Council
<b>Members of Tribunal:</b>	Mr R S Taylor – lawyer chairman Mr Roger Baynham FRICS Mr Bill Brereton

Further to the:-

tribunal's interim decision dated 6 August 2014,

Respondent's amended notices dated 22 August 2014,

Applicant's written submissions dated 5 September 2014,

further interim order dated 15 September 2014,

Applicant's letter dated 21 September 2014 and the tribunal's reply dated 25 September 2014,

Respondent's written representations dated 1 October 2014 and final proposed amended Improvement Notices, and

Applicant's letter and written representations dated 16 October 2014.

**IT IS ORDERED THAT:-**

1. The Respondent's final proposed amended Improvement Notices (sent with submissions dated 1 October 2014) are confirmed.
2. Either party may apply to the tribunal for leave to appeal to the Upper Tribunal within 21 days from the date of this decision. The application must be made in writing to the Residential Property Tribunal, First Floor, West Wing, Southgate House, Wood Street, Cardiff, CF10 1EW.

Dated this 29 October 2014

A handwritten signature in black ink, appearing to read 'Rhys Taylor', written in a cursive style.

Lawyer Chairman

## REASONS

1. Much of the decision making in this application is to be found in an earlier interim decision and reasons which was issued by the tribunal on the 6 August 2014. There were various matters upon which the tribunal required further submissions at that stage, before a final order could be made and directions for them were made.
2. A further interim decision and directions were made on the 15 September 2014 in light of submissions received from the Applicant dated 5 September 2014.
3. In its most up to date written submissions dated 1 October 2014 the Respondent makes the fair criticism of the tribunal that it provided for the Respondent to make a response at paragraph 3 of the 6 August 2014 order, but failed to allow that before issuing the further interim order dated 15 September 2014. The tribunal can only apologise for this oversight and notes that the Respondent has made full submissions both in respect of the 6 August 2014 and 15 September directions in its submissions dated 1 October 2014. Further, the directions dated 6 August 2014 anticipated a scheme which would lead to a final decision, whereas, in fact, we gave more directions with the parties each being given opportunity to submit a response. Given the current stance of the Respondent and the final decision of the tribunal little, if anything, now turns on this missed opportunity – save to note that the Respondent was not then given an opportunity to respond to observations by the tribunal which it did not agree with, but which a full response has now been provided in any event and which is now overtaken by the final proposed Improvement Notices in any event.
4. On the 21 September 2014 the Applicant wrote to the tribunal inviting us to accept further evidence from the occupants of the property. The tribunal replied indicating that “the tribunal does not propose to revisit matters which might have been raised at the hearing, save for those expressly provided for by the interim orders.” That remains our position and we repeat that herein as the Applicant has renewed his request, which is opposed by the Respondent, for us to hear from the occupants in his letter dated 16 October 2014.
5. The Applicant has copied to us correspondence from the planning department of the Respondent (dated 14 October 2014) and his reply (dated 19 October 2014). This is not relevant to this application and forms no part of our reasoning and

does not influence our decision in any way as it formed no part of the evidence in this case.

6. The notices for rooms 2 and 4 are now improvement notices which accord with the scheme of the overall decision made on the 6 August 2014, rather than prohibition notices. This has been done to accommodate the Applicant's wishes.
7. The remaining live issue between the parties comes down to the mechanism for the window guards. We have already stated that we do not find that the current solution is acceptable and do not propose to go over old ground in that respect. Our main concern was the use of wing nut thumbscrews which the tribunal thought may be difficult to release in an emergency. The Respondent has now proposed that the windows must be guarded with "a quick release provision such as a hinge, button or lifting mechanism to override the guard in the event of an emergency." The Applicant complains about this proposal in his up to date written submissions – saying variously that hinges may be dangerous, buttons may stick or be complicated themselves, that he is concerned about regulatory compliance and that his current system *but with the screws removed* might be an option and that bars or grills will inevitably weigh more and may pose a problem for occupants. We reject these criticisms. Whilst we accept that the Respondent's wording does give a wide degree of latitude as to how it may be complied with, this is not something which presents the tribunal with an issue. The Respondent, having been given several opportunities, has declined to say whether it prefers a hinge or a lifting mechanism and it is free to leave this matter to the good sense of the Applicant when he comes to implement the notices. The option of safety glass is also available within the notices.

Dated this 29 October 2014



Lawyer Chairman