

Y TRIBIIWNLYS EIDDO PRESWYL

RESIDENTIAL PROPERTY TRIBUNAL

IN THE MATTER OF AN APPLICATION UNDER THE HOUSING ACT 2004  
REGARDING CONDITIONS OF HMO LICENCES

IN THE MATTER OF

RPT/0002/06/21      371 High Street, Connahs Quay, Deeside, Flintshire, CH5 4DR

APPLICANT:          Bod Homes Ltd  
RESPONDENT:        Flintshire County Council

In the Matter of a Prohibition Order under Section 21(5) of the Housing Act 2004

Tribunal Members:   Trefor Lloyd, Legal Chair  
                              David Jones, Surveyor Member

Matter determined on the papers on the 10<sup>th</sup> December 2021.

**THE DECISION**

1.      The Tribunal unanimously dismisses the Applicant's appeal

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**REASONS FOR THE TRIBUNAL'S DECISION**

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**Background**

2.      The Applicant by way of an application dated the 7<sup>th</sup> of June 2021 appealed against prohibition order dated the 10<sup>th</sup> of May 2021 issues by the Respondent Authority.
3.      From the outset it was clear that jurisdiction was an issue. Directions were issued on the 22<sup>nd</sup> of July 2021 and a case management conference convened on the 22<sup>nd</sup> of July 2020 and again on the 24<sup>th</sup> of November 2021.
4.      As a consequence of the 24<sup>th</sup> November 2021 case management conference the preliminary issue of jurisdiction was set down for determination on the 10<sup>th</sup> of December 2021. Both parties indicated that they were content for us to determine the preliminary issue on the papers.
5.      The Tribunal Office received an email message on the 9<sup>th</sup> December 2021 confirming that in light of the indications given by this Tribunal at the 24<sup>th</sup> of November 2021 the parties had agreed a Consent Order to deal with the matter. A signed Consent Order dated the 8<sup>th</sup> of December 2021 was subsequently received by email.

6. The Consent Order varies paragraph 1.1 of the original Prohibition Order and also by Consent dismisses the Applicant's Appeal with no order as to costs.
9. As a consequence, we today have considered the matter.
10. Having considered the matter in detail and given the Consent Order agreed and signed by all the parties we unanimously dismiss the Applicant's Appeal.

Dated this 10<sup>th</sup> day of December 2021

Trefor Lloyd  
Chairman