

Y Tribiwnlys Eiddo Preswyl

Residential Property Tribunal Service (Wales)

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Case Reference: RPT/0016/09/21

In the matter of premises known as 1 Clydach Street, Brynmawr, Ebbw Vale, NP23 4RL

In the matter under the Housing Act 2004 – appeal against an Improvement Notice

Applicant: Ahmad Idlibi

Respondent: Blaenau Gwent County Borough Council

Tribunal members: Judge Shepherd (Chairman)
Roger Baynham (Surveyor Member)
Dr Angie Ash (Lay Member)

DECISION OF RESIDENTIAL PROPERTY TRIBUNAL

1. The Tribunal has already issued a preliminary decision in this matter. The appeal was dismissed. These are the reasons for this decision.
2. A remote hearing took place on 21st February 2022. The Appellant failed to attend and he was obstructive in preventing the Tribunal from inspecting the premises. His conduct was somewhat bizarre given that it was his appeal.
3. The Appellant issued his appeal on 9th September 2021. He was appealing against an Improvement Notice served upon him by the Respondent on 24th August 2021 in relation to premises at 1 Clydach Street, Brynmawr, Ebbw Vale, NP23 4RL (“The premises”). The notice was served because the Respondent had found various hazards at the premises including penetrating dampness, excess cold, risk of fire, risk of fall on the stairs and risk of fall on level surfaces. The Improvement Notice particularized the works necessary to abate the hazards. These were clear and concise particulars which could easily be understood. The Appellant was given 28 days to carry out the works which was entirely reasonable.
4. In his appeal the Appellant said that the Respondent should have served a Hazard Awareness Notice, he also appealed the decision to recharge him £226 for serving the notice. The Appellant failed to comply with any directions issued by the Tribunal and obstructed his appeal.

5. In his witness statement Mr Benyon for the Respondent explained that following a complaint from the Appellant's tenant at the premises his colleague Lisa Grant inspected and carried out an assessment pursuant to the Housing Health and Safety Rating System (HHSRS) under the Housing Act 2004. As a result the Improvement notice was served on 25th November 2020. There were then various communications between the parties. The Appellant gave assurances that work had been carried out. However, there were then further complaints from a new tenant on 30th July 2021 and a further inspection took place on 11th August 2021. This found that none of the works had been done and there were further hazards. The Respondent revoked the original notice and served a further notice on 24th August 2021 (the notice under appeal). Instead of getting on with the work the Appellant issued his appeal which had the effect of suspending the notice. The Appellant again gave assurances that the work had been carried out. This again proved false.
6. At the hearing Mr Benyon repeated his written submissions to the effect that the Improvement Notice was reasonable and necessary. Before serving the notice he had considered the legislation and all relevant policies and guidance. The Appellant had been obstructive throughout by failing to attend inspections. In addition, he did not have a licence from Rent Smart Wales to be a landlord. Mr Benyon confirmed that on his last visit at the end of January 2022 the works were still outstanding. The Tribunal was provided with clear photographs of the hazards including an open sewer gulley in the rear yard.
7. The appeal is brought pursuant to Housing Act 2004, Sch1, para 12 which states the following:

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 - a. *An appeal may be made by a person under paragraph 10 on the ground that one of the courses of action mentioned in sub-paragraph (2) is the best course of action in relation to the hazard in respect of which the notice was served.*
 - b. *The courses of action are—*
 - i. *making a prohibition order under section 20 or 21 of this Act;*
 - ii. *servicing a hazard awareness notice under section 28 or 29 of this Act; and*
 - iii. *making a demolition order under section 265 of the Housing Act 1985 (c. 68).*
8. The Tribunal found the evidence from Mr Benyon on behalf of the Respondent to be cogent and credible. He is an experienced council officer and his evidence carried some gravitas. In contrast the Appellant did not appear to make good his appeal.
9. The Tribunal has no hesitation in dismissing the appeal. The Respondent was right to serve the notice and right to charge for this. It is compellingly clear that the Appellant did not have the interests of his tenants at heart. He was receiving rent and yet allowing them to occupy hazardous accommodation when he had no licence from Rent Smart Wales.

10. The appeal is dismissed. The appeal rights run from the date of receipt of this decision.

Dated this 17th day of May 2022

Judge Shepherd