



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

Case reference : **LON/00AJ/HIN/2017/0026**

Property : **Flat 8, Mall Court, 30 The Mall,
Ealing, London W5 2PZ**

Appellant : **Tarcisio Cipollone and Ghislaine
Marie-Josephe Cipollone**

Representative : **Mr Bruce MacGregor, solicitor of
Bruce MacGregor and Co**

Respondent : **London Borough of Ealing**

Representative : **Mr Mathew Feldman of counsel**

Type of application : **An appeal against an Improvement
Notice**

Tribunal members : **Judge Pittaway
Ms S Coughlin MCIEH**

Venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **16 March 2018**

DECISION

Decisions of the tribunal

(1) The Improvement Notice served on 8 November 2017 is varied as follows;

a. Paragraph 4 of the Improvement Notice is varied to require the Appellant to commence the works within 28 days after the date the tribunal sends this decision to the appellant and to complete the same within seven days of the works having been commenced.

b. Paragraph 1 of Schedule 2 of the Improvement Notice is removed and replaced with the following

“Carry out all necessary works to the heating system at the premises as recommended by Mr Jason Bartlett of Dyson Energy Services Limited in his report into the heating system at the premises dated 15 March 2018, to ensure that the heating system is in full working order and capable of ensuring all rooms throughout the premises can be adequately and efficiently heated.”

c. Paragraphs 2 and 3 of Schedule 2 of the Improvement Notice are not varied and remain unamended.

d. Paragraph 4 of Schedule 2 of the Improvement Notice is removed and replaced with the following

“On completion of the works to the heating system forward evidence of satisfactory completion of the works to Chantelle Cole of the London Borough of Ealing”

e. Paragraph 5 of Schedule 2 of the Improvement Notice is deleted.

(2) The tribunal makes no order as to costs

The appeal

1. By an appeal dated 29 November 2017 received by the tribunal on 30 November 2018 the Appellant appealed against an Improvement Notice dated 8 November 2017 served in respect of Flat 8, The Mall, 30 The Mall, Ealing, London W5 2PZ (the “**premises**”).

2. A hearing took place on 16 March 2018. The Appellant was represented by Mr MacGregor of Bruce MacGregor and Co Solicitors. The Respondent was represented by Mr Feldman of Counsel with Ms Rachel Fell and Ms Chantelle Cole of the Respondent also in attendance.
3. Neither party requested an inspection and the tribunal did not consider that one was necessary, nor would it have been proportionate to the issues in dispute.

Reasons for the tribunal's decision

4. The parties had provided the tribunal with bundles in accordance with the directions dated 6 December issued by the tribunal and the tribunal have had regard to these as well as the submissions made at the hearing in reaching its decision.
5. Mr Feldman advised the tribunal that the respondent had inspected the premises again on 9 March 2018 with their appointed heating engineer, Dyson Energy Services Limited, who had produced a report dated 15 March 2018, a copy of which had been provided to the Appellant, and which was produced to the tribunal at the hearing. Mr MacGregor confirmed that the appellants agreed to carry out the work to the heating system recommended in that report.
6. Both parties requested the tribunal vary the Improvement Notice to reflect the existence of this report and the timetable now agreed by the parties to commence and complete the works. The parties had requested a variation to paragraph 4 of Schedule 2 to refer to a contractor's report. The tribunal consider reference to satisfactory completion of the works to be more appropriate given their nature.
7. Mr Feldman also advised the tribunal that there was no longer a requirement to upgrade the loft insulation. The tribunal note that this area is outside the premises demised by the Appellant's lease of the premises and that the notice should not therefore have required remedial action to be taken to the loft by the appellants. The tribunal therefore agreed that paragraph 5 of Schedule 2 to the Improvement Notice should be deleted.

Costs

8. There is no decision as to costs as the tribunal were informed that the parties each agreed to bear their own costs.

Name: Judge Pittaway

Date: 16 March 2017

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).