

YTRIBIWNLYS EIDDO PRESWYL

RESIDENTIAL PROPERTY TRIBUNAL

Reference: RPT/0011/08/25

**In the matter of an application under the Housing Health & Safety Rating System –
Emergency Prohibition Order – Section 43.**

Applicant: Delwara Choudhury

Respondents: Shared Regulatory Services - Cardiff City Council

Property: 151 Cowbridge Road East, Cardiff, CF11 9AH

DECISION

1. The Applicant is appealing the imposition of an Emergency Prohibition Order under s.43 Housing Act 2004 on 8th July 2025. The Respondent found Category 1 Hazards and an imminent risk of harm at the premises at 151 Cowbridge Road East, Canton, Cardiff ("The Premises"). The Applicant is the leaseholder of the premises.
2. In her application to the Tribunal the Applicant stated the following:

The order appears to have been issued based on a misclassification of the property as a House in Multiple Occupation (HMO), when in fact it was not being used or intended to be used as such. The order explicitly prohibits use as a house in multiple occupation (which is not a flat)," but we only intend to use the property as a single residential flat by a single household.

The Schedule 2 works are tailored to HMO standards.. We believe these are not required for a standard residential flat. We are fully prepared to carry out any works needed to ensure the property is safe and compliant for single-household residential

use, and we are cooperating with the council accordingly. would be out of the country and requested to arrange the inspection after my return a few days later. Despite this, the inspection went ahead without any discussion or consultation, and the Emergency Prohibition Order was served while we were abroad, without allowing us to provide any facts or clarification.

The situation caused significant emotional distress. Our holiday was deeply affected; we received multiple calls from distressed tenants who were confused and panicking, and we were left trying to manage the situation remotely during what should have been a family celebration. The handling of the order has caused unnecessary distress and was not conducted fairly or proportionately.

On top of this, the order has placed us under serious financial strain. My husband is a heart patient and no longer works, so we rely on the income from this property. We are more than willing to address any legitimate safety concerns, but the current order is unjustified based on the intended use of the property and the way it was issued.

For these reasons, I respectfully request that the tribunal revoke the Emergency Prohibition Order in full.

3. The premises are a 3 storey, Victorian, terraced property in a busy, commercial part of Cardiff. The ground floor of this property was previously used as a takeaway food premises, but is now a vape shop, accessed directly from the pavement of Cowbridge Road East. The residential accommodation is accessed from the rear (North Morgan Street).
4. The rear section of the premises has been extended to create a long, fully covered structure which provides access to the residential accommodation. When the Respondents inspected the premises in July 2025 they found ten people in occupation who were sharing six bedrooms. The premises were therefore considered to be an HMO pursuant to Housing Act 2004, ss 254-260.
5. The Respondents found that there was inadequate fire safety and none of the doors internally were fire doors. The partitions did not provide adequate fire resistance. The Respondents were particularly concerned about the fact that the sole escape route from the bedrooms was the landing down the stairs to the ground floor and through the long series of extensions to the rear door. There was also a former commercial kitchen which was being used by the occupiers but did not have a fire door, contained flammable material and had side rooms without adequate structural fire separation. In addition, there were commercial premises (vape shop) at the front of the ground floor with inadequate fire separation from the residential premises.

6. The Respondents also found that the occupiers of the second floor were unable to escape via windows. In addition, the first floor rear room had windows which had bars on them preventing escape, the possible escape from the middle room was hampered by a polycarbonate sheet roof covering & asbestos sheet covering to the ground floor extension roofs which would be too dangerous to escape onto, and the front room had no windows capable of allowing an escape.
7. In addition, the Respondents found 3 points of exposed live wires which could easily be reached. Although some work was carried out a further inspection revealed one live wire still in existence.
8. The Respondents carried out a Housing Health and Safety Rating System (HHSRS) assessment on the basis of the electrical and fire defects. They considered that the only option was to serve an Emergency Prohibition Order because the hazards presented an imminent risk to the occupiers.
9. The Applicant has suggested that an Improvement Notice under Sections 11/12, Housing Act 2004 would have been more appropriate. The Respondents say this was not appropriate. If this enforcement action had been taken, it would have left the occupiers at risk for the 28 day period before works had to commence and they would have been left at imminent risk whilst works were ongoing.

The Tribunal's inspection

10. The inspection of the residential area was undertaken by Dr A Ash (Lay Member) and Mr A M Lewis FRICS (Surveyor Member) on 26 May 2026, when the Applicant and Mr Hugh Gronow of the Respondent were also present. The accommodation was vacant.
11. On the ground floor there was a long access corridor with rooms off including a former kitchen. The Tribunal was informed that upgrading of the partitions and replacement of doors to this area had been undertaken since the Notice in July 2025. On the first floor there was a landing, three rooms, and a bathroom, with one of the rooms fitted out as a kitchen. On the second floor there was a landing and two rooms.
12. There were no fire doors throughout the first and second floors. There was no potential escape via the windows on second floor. On the first floor the windows in the front room were top hung sashes and would not allow escape; the middle room had an opening bottom sash which would provide an escape, but this only onto a

sloping slate roof, with the further escape route over a polycarbonate roof, and corrugated asbestos sheet; the rear room window was barred.

13. The travel distance from the second floor to the exterior was measured and agreed as 39.8 metres. The travel distance from the second floor to the bottom of the staircase from the first floor to the start of the ground floor corridor was agreed as 17.5 metres. There was no fire protection to any of the staircases at the property.

14. The electrical installation had been upgraded since the Notice of July 2025.

The hearing

15. A hearing took place on 2nd June 2026 by CVP. We heard live evidence from Hugh Gronow of the Respondent and the Applicant in person.

Our jurisdiction

16. The relevant parts of S.45 of the Housing Act 2004 state the following:

(2) A relevant person may appeal to [the appropriate tribunal against an emergency prohibition order.

(5) An appeal under subsection (1) or (2)–

(a) is to be by way of a re-hearing, but

(b) may be determined having regard to matters of which the authority were unaware.

(6) The tribunal may–

(a) in the case of an appeal under subsection (1), confirm, reverse or vary the decision of the authority;

(b) in the case of an appeal under subsection (2), confirm or vary the emergency prohibition order or make an order revoking it as from a date specified in that order.

Determination

17. We have no hesitation in confirming that the Emergency Prohibition Order was the appropriate order on 8th July 2025. This was the only remedy that the Respondent realistically could use as the premises were unsafe for reasons relating to fire safety and dangerous electrics. We are not impressed by any of the arguments put forward by the Applicant. Whether the premises was an HMO or not did not matter the premises were still unsafe, as there was no adequate fire protection between the commercial and residential areas. The need for fire protection cannot be challenged despite the Applicant's best efforts. The premises are badly designed for safe occupation for the reasons given by the Respondent. Similarly, the electrics were

unsafe - that is unchallengeable. Finally, we consider that the Emergency Prohibition Order was entirely clear in its meaning and effect.

18. The Applicant would be best advised to make proper efforts to make the premises safe then she will be able to let them again. The appeal is dismissed and the Emergency Prohibition Order is confirmed.

Judge Shepherd

13th July 2026