MAN/00CL/HYI/2012/0003 to 13

HM COURTS & TRIBUNALS SERVICE

RESIDENTIAL PROPERTY TRIBUNAL SERVICE

HOUSING ACT 2004 – SECTION 134

APPLICANT:	South Tyneside Council (the "Council")
RESPONDENTS:	Akber Fazel Somji
	Zinnat Fazel
PROPERTIES:	11 Harold Street, Jarrow, Tyne & Wear NE32 3AH,
	13 Harold Street, Jarrow, Tyne & Wear NE32 3AH,
	13 Stothard Street, Jarrow, Tyne & Wear NE32 3AN,
	21 Stothard Street, Jarrow, Tyne & Wear NE32 3AN,
	28 Russell Street, Jarrow, Tyne & Wear NE32 3AW,
	43 Russell Street, Jarrow, Tyne & Wear NE32 3AW,
	45 Russell Street, Jarrow, Tyne & Wear NE32 3AW,
	111 St. Paul's Road, Jarrow, Tyne & Wear NE32 3AS,
	113 St. Paul's Road, Jarrow, Tyne & Wear NE32 3AS,
	18 Percy Street, Jarrow, Tyne & Wear NE32 3AX,
	20 Percy Street, Jarrow, Tyne & Wear NE32 3AX,
APPLICATION:	Authorisation for Interim Empty Dwelling Management Orders ("Interim EDMOs") (Section 134 Housing Act 2004 (the "Act")
TRIBUNAL:	Mr W L Brown LL.B (Chairman) Mr I D Jefferson MRICS
DECISION DATE:	12 September 2012

DECISION

1. The Applicant, the Council, is authorised to make Interim Empty Dwelling Management Orders under section 134 of the Act in respect of the Properties as listed above in the forms annexed to this decision as varied as shown by annotation.

2. The operative date of the EDMOs is not to be earlier than the making of the Order following the issue of this Tribunal's present decision.

REASONS

INTRODUCTION

3. These proceedings are applications by the Council dated 30 May 2012 for authorisation from the Tribunal to make Interim Empty Dwelling Management Order under the Housing Act 2004 in respect of the Properties (the "Applications"). An interim EDMO is an order that enables a local housing authority (LHA), with the consent of the owner, to take steps for the purpose of securing that a dwelling becomes and continues to be occupied (Housing Act 2004 s132 (2)).

4. In the event that the LHA is unable to obtain the owner's consent, it can go on to make a final EDMO without further authority from this Tribunal. However, this does not prevent the owner appealing to this Tribunal against a decision by the LHA to make a final EDMO. A final EDMO enables the authority to achieve the purpose set out in paragraph 3 above but without the owner's consent.

5. Following receipt of the Applications, the Tribunal made Directions to the parties on 26 July 2012.

THE FACTS

6. There was no request made by either party for a hearing so a meeting of the Tribunal to make its determination took place at Asylum & Immigration Tribunal Kings Court Royal Quays Earl Grey Way North Shields on 11 and 12 September 2012.

7. The Applicant submitted in advance of the hearing a bundle of documents including the following:

   (1) The application forms endorsed with a statement of truth
   (2) Witness Statements dated 30 May 2012 from Keith Shields, Empty Property Officer of the Council
   (3) Copy correspondence and photographs
   (4) Draft Interim EDMOs

8. The Respondents replied to the Applications through the First Respondent by e-mail dated 15 August 2012 in the following terms: "I have been informed by the RPT that they intend to inspect our properties on 11 Sept 2012 and they have asked me to attend. Unfortunately neither myself nor my wife will be able to attend and we will not be

contesting the award of an EDMO. We will also not be able to submit any additional evidence to the one you already have." The Respondents did not engage otherwise in the proceedings following the Application.

THE LAW

9. The relevant law is contained in Sections 133, 134 and Schedule 7 to the Act and in The Housing (Empty Dwelling Management Orders) (Prescribed Exceptions and Requirements (England) Order SI 2006/367 (the "Regulations").

10. Section 133 states that a LHA may make an Interim EDMO in respect of a dwelling which is wholly unoccupied, which is not owned by a public sector body and after it has obtained authority from this Tribunal.

11. Before making an application for such authority, the LHA must 'make reasonable efforts' to find out what the owner is intending to do to 'secure that the dwelling is occupied' and to notify the owner that it is considering making an Interim EDMO application in respect of the dwelling (Section 133(3)).

12. The Applicant must also take into account the rights of the owner and the interests of the wider community when deciding whether to apply for authorisation to make an Interim EDMO. (Section 133 (4)).

13. It must then satisfy itself that none of the prescribed exceptions referred to in Section 134(1)(b) (the Exceptions") and set out in the Regulations apply.

14. To authorise the making of an Interim EDMO the Tribunal must then satisfy itself of the following matters (Section 134 (2)):

    (a) that the dwelling has been wholly unoccupied for at least 6 months
    (b) that there is no reasonable prospect that the dwelling will become occupied in the near future
    (c) that, if an interim order is made, there is a reasonable prospect that the dwelling will become occupied
    (d) that the authority has complied with section 133(3) and
    (e) that any prescribed requirements have been complied with.

15. If the Tribunal gives authority for the making of an interim EDMO, it may also make an order requiring the applicant to pay 'to any third party specified in the order an amount of compensation in respect of any interference in consequence of the order with the rights of the third party' (as defined in section 132(4)(d)).

16. Finally, the Regulations also set out (at Article 4) detailed information the Applicant has to provide to the Tribunal to satisfy it that the Applicant has complied with section 133(3) viz. the efforts to find the owner, telling him what the Applicant intends to do and what advice has been given to the owner.

INSPECTION AND FINDINGS

17. On 11 September 2012 the Tribunal inspected the Properties externally and internally (other than where noted below) in the presence of Keith Shields of the Council.

18. In respect of each of the Properties, the Tribunal found at the time of inspection that the Properties appeared not to be occupied and none were in a habitable state.

19. The Properties are located in a residential area within walking distance of each other and the neighbouring dwellings appear to be occupied and maintained to a reasonable standard.

20. In respect of each of the Properties the Tribunal found the following:

    11 Harold Street – a purpose-built mid-terrace ground floor flat built around 1902 of brick elevations. The Tribunal was unable to carry out an internal inspection because all doors and windows were boarded up. The condition of the property is likely to be similar to that of 13 Harold Street. The Applicant's evidence to the Tribunal was that this dwelling became empty in March 2006.

    13 Harold Street – a purpose-built mid-terrace first floor flat built around 1902 of brick elevations under a slate pitched roof. The Applicant's evidence to the Tribunal was that this dwelling became empty in April 2007.

    13 Stothard Street – a two-storey mid-terrace house built around 1899 originally as two Tyneside flats of brick elevations under a slate pitched roof. The Applicant's evidence to the Tribunal was that this dwelling became empty in December 2008.

    21 Stothard Street – a two-storey mid-terrace house built around 1899 originally as two Tyneside flats of brick elevations under a slate pitched roof. The Applicant's evidence to the Tribunal was that this dwelling became empty in September 2010.

    28 Russell Street – a two-storey mid-terrace house built around 1902 originally as two Tyneside flats of brick elevations under a slate pitched roof. The Applicant's evidence to the Tribunal was that this dwelling became empty in January 2011.

    43 Russell Street – a purpose-built mid-terrace first floor flat built around 1902 of brick elevations under a slate pitched roof. The Tribunal was unable to carry out an internal

inspection because the front door would not open. The condition of the property is likely to be similar to that of 45 Russell Street. The Applicant's evidence to the Tribunal was that this dwelling became empty in December 2007.

45 Russell Street - a purpose-built mid-terrace ground floor flat built around 1902 of brick elevations. The Applicant's evidence to the Tribunal was that this dwelling became empty in October 2007.

111 St. Paul's Street – a purpose-built mid-terrace ground floor flat built around 1902 of brick elevations. The Tribunal was unable to carry out an internal inspection because there was no key to the front door. The condition of the property is likely to be similar to that of 113 St. Paul's Street. The Applicant's evidence to the Tribunal was that this dwelling became empty in April 2009.

113 St. Paul's Street - a purpose-built mid-terrace first floor flat built around 1902 of brick elevations under a slate pitched roof. The Applicant's evidence to the Tribunal was that this dwelling became empty in June 2007.

18 Percy Street - a purpose-built mid-terrace first floor flat built around 1902 of brick elevations under a slate pitched roof. The Applicant's evidence to the Tribunal was that this dwelling became empty in November 2008.

20 Percy Street - a purpose-built mid-terrace ground floor flat built around 1902 of brick elevations. The Tribunal was unable to carry out an internal inspection because of a health and safety risk. The condition of the property is likely to be similar to that of 18 Percy Street. The Applicant's evidence to the Tribunal was that this dwelling became empty in August 2009.

THE COUNCIL'S CASE

21. The Properties have been in the ownership of the Respondents since around March 2000 and the titles to the Properties are registered at the Land Registry. Office copy entries of the registers of titles showed no mortgage lender

22. The Applicant's Council Tax department has confirmed that the Properties have been classed as unoccupied since the dates recorded in the statement of Keith Shields, as noted in paragraph 20.

23. The possibility of the Respondent taking management control of nine of the Properties (21 Stothard Street and 28 Russell Street are not mentioned) was first raised in a letter from it dated 10 May 2010 to the First Respondent, following a site visit on 29 April 2010, which the First Respondent had attended with the Applicant.

24. The Applicant produced in evidence some correspondence and a log of complaints about some of the Properties, suggesting they were insecure and were suffering vandalism damage.

25. The Applicant had given written notice that it was considering making Interim EDMOs in respect of the Properties by way of a letter dated 16 April 2012, following a meeting on 5 April attended by the First Respondent. In addition, by separate letters to both Respondents dated 17 May 2012 the Applicant had taken steps to enquire of the Respondents as to intention to make the Properties habitable and to secure that the Properties became occupied once more. It had invited them to indicate if any of the "Exceptions" (see paragraph 13) applied. The Respondents had written a reply dated 22 May 2012 signed by both of them asking the Applicant to "..take control of the properties we own in the Jarrow area, repair them and keep them for 7 years before returning then to us. We have discussed and agreed these proposals earlier."

26. The Witness Statements of Keith Shields confirmed that he became aware that the Properties were unoccupied after reviewing the Council tax listing of empty properties. He did not consider any of the "Exceptions" applied and that advice and assistance had been offered to the Respondents for the purpose of having the Properties occupied once more. Photographs had been taken to show the condition of the Properties which were unoccupied and complaints had been received about their condition and adverse social consequences arising.

27. There is no evidence that the Respondents or anyone else were in occupation of the Properties or had any intention to take steps to bring them into occupation.

28. The Properties in their current condition have a negative impact on neighbouring properties.

29. If the interim EDMOs are made the Applicant will invest resources to renovate the Properties to a decent standard for letting out at an affordable rent.

THE RESPONDENT'S CASE

30. The Respondent did not reply to the proceedings other than as set out in paragraph 8.

DETERMINATION

31. In accordance with Section 134(2) the Tribunal is satisfied that:

    (a) that the Properties have been wholly unoccupied for at least 6 months;

(b) that there is no reasonable prospect of the Properties will become occupied in the near future;
(c) that, if Interim EDMOs are made, there is a reasonable prospect that the Properties will become occupied;
(d) that the Applicant has complied with Section 133(3) and
(e) that prescribed requirements have been complied with.

32 The Tribunal finds that bringing the Properties back into occupation will be in the interests of the community because it will improve the amenity of the local area for the Properties to be repaired and lived in, rather than empty, boarded-up and a source of fly tipping. The making of an Interim EDMO will not be unduly detrimental to the rights of the owners given that they wish the orders to be made and have not communicated any alternative plans for the Properties.

33 Having considered all relevant matters, the Tribunal concludes that it is appropriate for Interim EDMOs to be made in respect of the Properties, and it accordingly authorises the Applicant to make the orders as set out in paragraph 1 of this Decision. However, the Applicant is required to vary the draft orders it provided to the Tribunal as set out in paragraph 1 of this decision.

34 As there is no known "third party" (as defined by section 132(4)(d) of the Act), whose rights will be interfered with by the orders, it is not appropriate for the Tribunal to make an order for the payment of compensation.

35 As there was no request to the Tribunal to make an Order in respect of the costs of the Application the Tribunal makes no such Order.

Mr W L Brown LL.B ..... Dated: 12 September 2012
Chairman of the Residential Property Tribunal

South Tyneside Council

South Tyneside Council
Interim Empty Dwelling Management Order

In respect of

11 Harold Street, Jarrow, Tyne & Wear NE32 3AN H

South Tyneside Council of The town Hall and Civic Offices, Westoe Road, South Shields. NE33 2RL hereby makes an Interim Empty Dwelling Management Order under Section 133 of the Housing Act 2004 in respect of:

11 Harold Street, Jarrow, Tyne & Wear NE32 3AN H

a property owned by:-
Akber Fazel Somji & Zinnat Fazel
of 49 Goodby Road,
Moseley, Birmingham. B13 8RH

This Order comes into force on ..... and shall cease to have effect at the end of the period of 12 months therefrom.

The Respondent may apply to the Applicant to vary or revoke the Order (paragraphs 6 & 7 of schedule 7 of the Act) or for an Order that a particular item or item of expenditure in the accounts which the tribunal are not relevant expenditure (paragraph5(7)).

The only appeal to this Tribunal is against the terms of the Order if it does not provide for matters mentioned in paragraph 5 (5)(a) and (b) of schedule 7 to the Act - not against making of the Order itself.

Executed as a Deed by affixing)
THE COMMON SEAL of THE)
COUNCIL OF THE BOROUGH)
OF SOUTH TYNESIDE)
In the presence of:-

Head of Legal Services

Mayor

EXPLANATORY NOTES

(Unless otherwise stated, statutory references are to the Housing Act 2004.)

Dwelling
A dwelling is defined under section 132 4(a) and (b) of this Act.

Application of an Empty Dwelling Management Order.
An Empty Dwelling Management Order applies to a Dwelling if it meets one or more of the criteria defined under sections 133 of this Act.

Operation of the Order
If there is not an appeal, the order will become operative at the end of 28 days from the date it is served.

If there is an appeal and the Residential Property Tribunal confirms the order, it will not become operative until the period for appealing has expired without such an appeal being brought or when a decision is given confirming the order.

If you start an appeal to the Residential Property Tribunal and then withdraw it, it will not become operative until the period for appealing has expired or on the day on which it would have become operative if the tribunal had confirmed the order or a variation of the order.

Effect of the Order
The effect of the order is that the Council are taking control of this property from you. You remain the legal owner of this property. The council will undertake any works it feels necessary at the property and manage it, or arrange for it to be managed on its behalf. The Council will receive all rents form the property, however they are only entitled to grant a tenancy or a license of the dwelling with prior written consent from the Relevant Proprietor. (No consent is needed once a Final EDMO has been granted).

Whilst the order is effective, you, as the relevant proprietor, are not entitled to receive any rents or other payments from persons occupying the house. You are not entitled to exercise any rights or powers with respect to the property and may not create any leases, tenancies or licences with respect to the property.

Period of the Order
This interim order will remain in force for 12 months from the date it was made unless it is revoked at an earlier date. If the Council feels that the property is not likely to be reoccupied they may apply for a Final Empty Dwelling Management Order, which lasts for a period up to 7 years.

Financial Arrangements

Whilst the order is in force, the Council must keep full accounts of their income and expenditure in respect of this house. The Council must pay to the Relevant Proprietor any monies left over after deductions to meet relevant expenditure.

Appeals

The Relevant Proprietor has a right of appeal to the Residential Property Tribunal against certain decisions regarding Empty Dwelling Management Orders (*Housing Act 2004*, schedule 7, paragraphs 26, 30 and 34). If you disagree with the decision you have 28 days in which to appeal to the Residential Property Tribunal, beginning with the date specified in the notice as the date on which the decision was made.

Relevant Proprietor

The relevant proprietor is defined (section 132 (4) © of the Act) as the freeholder or, if the dwelling is let under one or more leases with an unexpired term seven years or more the lessee under whichever of those leases has the shortest unexpired term.

Advice

If you do not understand this order or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Law Centre, Housing Aid Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme.

Land Charge

When the order becomes operative it will be a local land charge on the premises to which it relates. This means that it will be recorded in the register of local land charges kept by the Council. This register is public and anyone may search for entries in it upon payment of a fee. Purchasers will normally search this register.

South Tyneside Council

South Tyneside Council
Interim Empty Dwelling Management Order

In respect of

13 Harold Street, Jarrow, Tyne & Wear NE32 3AN H

South Tyneside Council of The town Hall and Civic Offices, Westoe Road, South Shields. NE33 2RL hereby makes an Interim Empty Dwelling Management Order under Section 133 of the Housing Act 2004 in respect of:

13 Harold Street, Jarrow, Tyne & Wear NE32 3AN H

a property owned by:-
Akber Fazel Somji & Zinnat Fazel
of 49 Goodby Road,
Moseley, Birmingham. B13 8RH

This Order comes into force on ..... and shall cease to have effect at the end of the period of 12 months therefrom.

The Respondent may apply to the Applicant to vary or revoke the Order (paragraphs 6 & 7 of schedule 7 of the Act) or for an Order that a particular item or item of expenditure in the accounts which the tribunal are not relevant expenditure (paragraph5(7)).

The only appeal to this Tribunal is against the terms of the Order if it does not provide for matters mentioned in paragraph 5 (5)(a) and (b) of schedule 7 to the Act - not against making of the Order itself.

Executed as a Deed by affixing)
THE COMMON SEAL of THE)
COUNCIL OF THE BOROUGH)
OF SOUTH TYNESIDE)
In the presence of:-

Head of Legal Services

Mayor

EXPLANATORY NOTES

(Unless otherwise stated, statutory references are to the Housing Act 2004.)

Dwelling
A dwelling is defined under section 132 4(a) and (b) of this Act.

Application of an Empty Dwelling Management Order.
An Empty Dwelling Management Order applies to a Dwelling if it meets one or more of the criteria defined under sections 133 of this Act.

Operation of the Order
If there is not an appeal, the order will become operative at the end of 28 days from the date it is served.

If there is an appeal and the Residential Property Tribunal confirms the order, it will not become operative until the period for appealing has expired without such an appeal being brought or when a decision is given confirming the order.

If you start an appeal to the Residential Property Tribunal and then withdraw it, it will not become operative until the period for appealing has expired or on the day on which it would have become operative if the tribunal had confirmed the order or a variation of the order.

Effect of the Order
The effect of the order is that the Council are taking control of this property from you. You remain the legal owner of this property. The council will undertake any works it feels necessary at the property and manage it, or arrange for it to be managed on its behalf. The Council will receive all rents form the property, however they are only entitled to grant a tenancy or a license of the dwelling with prior written consent from the Relevant Proprietor. (No consent is needed once a Final EDMO has been granted).

Whilst the order is effective, you, as the relevant proprietor, are not entitled to receive any rents or other payments from persons occupying the house. You are not entitled to exercise any rights or powers with respect to the property and may not create any leases, tenancies or licences with respect to the property.

Period of the Order
This interim order will remain in force for 12 months from the date it was made unless it is revoked at an earlier date. If the Council feels that the property is not likely to be reoccupied they may apply for a Final Empty Dwelling Management Order, which lasts for a period up to 7 years.

Financial Arrangements
Whilst the order is in force, the Council must keep full accounts of their income and expenditure in respect of this house. The Council must pay to the Relevant Proprietor any monies left over after deductions to meet relevant expenditure.

Appeals
The Relevant Proprietor has a right of appeal to the Residential Property Tribunal against certain decisions regarding Empty Dwelling Management Orders (*Housing Act 2004*, schedule 7, paragraphs 26, 30 and 34). If you disagree with the decision you have 28 days in which to appeal to the Residential Property Tribunal, beginning with the date specified in the notice as the date on which the decision was made.

Relevant Proprietor
The relevant proprietor is defined (section 132 (4) © of the Act) as the freeholder or, if the dwelling is let under one or more leases with an unexpired term seven years or more the lessee under whichever of those leases has the shortest unexpired term.

Advice
If you do not understand this order or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Law Centre, Housing Aid Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme.

Land Charge
When the order becomes operative it will be a local land charge on the premises to which it relates. This means that it will be recorded in the register of local land charges kept by the Council. This register is public and anyone may search for entries in it upon payment of a fee. Purchasers will normally search this register.

South Tyneside Council

South Tyneside Council
Interim Empty Dwelling Management Order

In respect of

13 Stothard Street, Jarrow, Tyne & Wear NE32 3AN

South Tyneside Council of The town Hall and Civic Offices, Westoe Road, South Shields. NE33 2RL hereby makes an Interim Empty Dwelling Management Order under Section 133 of the Housing Act 2004 in respect of:

13 Stothard Street, Jarrow, Tyne & Wear NE32 3AN

a property owned by:-
Akber Fazel Somji & Zinnat Fazel
Of 49 Goodby Road, Moseley,
Birmingham. B13 8RH

This Order comes into force on..... and shall cease to have effect at the end of the period of 12 months therefrom.

The Respondent may apply to the Applicant to vary or revoke the Order (paragraphs 6 & 7 of schedule 7 of the Act) or for an Order that a particular item or item of expenditure in the accounts which the tribunal are not relevant expenditure (paragraph5(7)).

The only appeal to this Tribunal is against the terms of the Order if it does not provide for matters mentioned in paragraph 5 (5)(a) and (b) of schedule 7 to the Act - not against making of the Order itself.

Executed as a Deed by affixing)
THE COMMON SEAL of THE)
COUNCIL OF THE BOROUGH)
OF SOUTH TYNESIDE)
In the presence of:-

Head of Legal Services

Mayor

EXPLANATORY NOTES

(Unless otherwise stated, statutory references are to the Housing Act 2004.)

Dwelling
A dwelling is defined under section 132 4(a) and (b) of this Act.

Application of an Empty Dwelling Management Order.
An Empty Dwelling Management Order applies to a Dwelling if it meets one or more of the criteria defined under sections 133 of this Act.

Operation of the Order
If there is not an appeal, the order will become operative at the end of 28 days from the date it is served.

If there is an appeal and the Residential Property Tribunal confirms the order, it will not become operative until the period for appealing has expired without such an appeal being brought or when a decision is given confirming the order.

If you start an appeal to the Residential Property Tribunal and then withdraw it, it will not become operative until the period for appealing has expired or on the day on which it would have become operative if the tribunal had confirmed the order or a variation of the order.

Effect of the Order
The effect of the order is that the Council are taking control of this property from you. You remain the legal owner of this property. The council will undertake any works it feels necessary at the property and manage it, or arrange for it to be managed on its behalf. The Council will receive all rents form the property, however they are only entitled to grant a tenancy or a license of the dwelling with prior written consent from the Relevant Proprietor. (No consent is needed once a Final EDMO has been granted).

Whilst the order is effective, you, as the relevant proprietor, are not entitled to receive any rents or other payments from persons occupying the house. You are not entitled to exercise any rights or powers with respect to the property and may not create any leases, tenancies or licences with respect to the property.

Period of the Order
This interim order will remain in force for 12 months from the date it was made unless it is revoked at an earlier date. If the Council feels that the property is not likely to be reoccupied they may apply for a Final Empty Dwelling Management Order, which lasts for a period up to 7 years.

Financial Arrangements
Whilst the order is in force, the Council must keep full accounts of their income and expenditure in respect of this house. The Council must pay to the Relevant Proprietor any monies left over after deductions to meet relevant expenditure.

Appeals
The Relevant Proprietor has a right of appeal to the Residential Property Tribunal against certain decisions regarding Empty Dwelling Management Orders (*Housing Act 2004*, schedule 7, paragraphs 26, 30 and 34). If you disagree with the decision you have 28 days in which to appeal to the Residential Property Tribunal, beginning with the date specified in the notice as the date on which the decision was made.

Relevant Proprietor
The relevant proprietor is defined (section 132 (4) © of the Act) as the freeholder or, if the dwelling is let under one or more leases with an unexpired term seven years or more the lessee under whichever of those leases has the shortest unexpired term.

Advice
If you do not understand this order or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Law Centre, Housing Aid Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme.

Land Charge
When the order becomes operative it will be a local land charge on the premises to which it relates. This means that it will be recorded in the register of local land charges kept by the Council. This register is public and anyone may search for entries in it upon payment of a fee. Purchasers will normally search this register.

South Tyneside Council

South Tyneside Council
Interim Empty Dwelling Management Order

In respect of

21 Stothard Street, Jarrow, Tyne & Wear NE32 3AN

South Tyneside Council of The town Hall and Civic Offices, Westoe Road, South Shields. NE33 2RL hereby makes an Interim Empty Dwelling Management Order under Section 133 of the Housing Act 2004 in respect of:

21 Stothard Street, Jarrow, Tyne & Wear NE32 3AN

a property owned by:-
Akber Fazel Somji & Zinnat Fazel
of 49 Goodby Road, Moseley,
Birmingham. B13 8RH

This Order comes into force on..... and shall cease to have effect at the end of the period of 12 months therefrom.

The Respondent may apply to the Applicant to vary or revoke the Order (paragraphs 6 & 7 of schedule 7 of the Act) or for an Order that a particular item or item of expenditure in the accounts which the tribunal are not relevant expenditure (paragraph5(7)).

The only appeal to this Tribunal is against the terms of the Order if it does not provide for matters mentioned in paragraph 5 (5)(a) and (b) of schedule 7 to the Act - not against making of the Order itself.

Executed as a Deed by affixing)
THE COMMON SEAL of THE)
COUNCIL OF THE BOROUGH)
OF SOUTH TYNESIDE)
In the presence of:-

Head of Legal Services

Mayor

EXPLANATORY NOTES

(Unless otherwise stated, statutory references are to the Housing Act 2004.)

Dwelling
A dwelling is defined under section 132 4(a) and (b) of this Act.

Application of an Empty Dwelling Management Order.
An Empty Dwelling Management Order applies to a Dwelling if it meets one or more of the criteria defined under sections 133 of this Act.

Operation of the Order
If there is not an appeal, the order will become operative at the end of 28 days from the date it is served.

If there is an appeal and the Residential Property Tribunal confirms the order, it will not become operative until the period for appealing has expired without such an appeal being brought or when a decision is given confirming the order.

If you start an appeal to the Residential Property Tribunal and then withdraw it, it will not become operative until the period for appealing has expired or on the day on which it would have become operative if the tribunal had confirmed the order or a variation of the order.

Effect of the Order
The effect of the order is that the Council are taking control of this property from you. You remain the legal owner of this property. The council will undertake any works it feels necessary at the property and manage it, or arrange for it to be managed on its behalf. The Council will receive all rents form the property, however they are only entitled to grant a tenancy or a license of the dwelling with prior written consent from the Relevant Proprietor. (No consent is needed once a Final EDMO has been granted).

Whilst the order is effective, you, as the relevant proprietor, are not entitled to receive any rents or other payments from persons occupying the house. You are not entitled to exercise any rights or powers with respect to the property and may not create any leases, tenancies or licences with respect to the property.

Period of the Order
This interim order will remain in force for 12 months from the date it was made unless it is revoked at an earlier date. If the Council feels that the property is not likely to be reoccupied they may apply for a Final Empty Dwelling Management Order, which lasts for a period up to 7 years.

Financial Arrangements
Whilst the order is in force, the Council must keep full accounts of their income and expenditure in respect of this house. The Council must pay to the Relevant Proprietor any monies left over after deductions to meet relevant expenditure.

Appeals
The Relevant Proprietor has a right of appeal to the Residential Property Tribunal against certain decisions regarding Empty Dwelling Management Orders (*Housing Act 2004*, schedule 7, paragraphs 26, 30 and 34). If you disagree with the decision you have 28 days in which to appeal to the Residential Property Tribunal, beginning with the date specified in the notice as the date on which the decision was made.

Relevant Proprietor
The relevant proprietor is defined (section 132 (4) © of the Act) as the freeholder or, if the dwelling is let under one or more leases with an unexpired term seven years or more the lessee under whichever of those leases has the shortest unexpired term.

Advice
If you do not understand this order or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Law Centre, Housing Aid Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme.

Land Charge
When the order becomes operative it will be a local land charge on the premises to which it relates. This means that it will be recorded in the register of local land charges kept by the Council. This register is public and anyone may search for entries in it upon payment of a fee. Purchasers will normally search this register.

South Tyneside Council

South Tyneside Council
Interim Empty Dwelling Management Order

In respect of

28 Russell Street, Jarrow, Tyne & Wear NE32 3AN W

South Tyneside Council of The town Hall and Civic Offices, Westoe Road, South Shields. NE33 2RL hereby makes an Interim Empty Dwelling Management Order under Section 133 of the Housing Act 2004 in respect of:

28 Russell Street, Jarrow, Tyne & Wear NE32 3AN W

a property owned by:-
Akber Fazel Somji & Zinnat Fazel
49 Goodby Road, Moseley, Birmingham. B13 8RH

This Order comes into force on..... and shall cease to have effect at the end of the period of 12 months therefrom.

The Respondent may apply to the Applicant to vary or revoke the Order (paragraphs 6 & 7 of schedule 7 of the Act) or for an Order that a particular item or item of expenditure in the accounts which the tribunal are not relevant expenditure (paragraph5(7)).

The only appeal to this Tribunal is against the terms of the Order if it does not provide for matters mentioned in paragraph 5 (5)(a) and (b) of schedule 7 to the Act - not against making of the Order itself.

Executed as a Deed by affixing)
THE COMMON SEAL of THE)
COUNCIL OF THE BOROUGH)
OF SOUTH TYNESIDE)
In the presence of:-

Head of Legal Services

Mayor

EXPLANATORY NOTES

(Unless otherwise stated, statutory references are to the Housing Act 2004.)

Dwelling
A dwelling is defined under section 132 4(a) and (b) of this Act.

Application of an Empty Dwelling Management Order.
An Empty Dwelling Management Order applies to a Dwelling if it meets one or more of the criteria defined under sections 133 of this Act.

Operation of the Order
If there is not an appeal, the order will become operative at the end of 28 days from the date it is served.

If there is an appeal and the Residential Property Tribunal confirms the order, it will not become operative until the period for appealing has expired without such an appeal being brought or when a decision is given confirming the order.

If you start an appeal to the Residential Property Tribunal and then withdraw it, it will not become operative until the period for appealing has expired or on the day on which it would have become operative if the tribunal had confirmed the order or a variation of the order.

Effect of the Order
The effect of the order is that the Council are taking control of this property from you. You remain the legal owner of this property. The council will undertake any works it feels necessary at the property and manage it, or arrange for it to be managed on its behalf. The Council will receive all rents form the property, however they are only entitled to grant a tenancy or a license of the dwelling with prior written consent from the Relevant Proprietor. (No consent is needed once a Final EDMO has been granted).

Whilst the order is effective, you, as the relevant proprietor, are not entitled to receive any rents or other payments from persons occupying the house. You are not entitled to exercise any rights or powers with respect to the property and may not create any leases, tenancies or licences with respect to the property.

Period of the Order
This interim order will remain in force for 12 months from the date it was made unless it is revoked at an earlier date. If the Council feels that the property is not likely to be reoccupied they may apply for a Final Empty Dwelling Management Order, which lasts for a period up to 7 years.

Financial Arrangements
Whilst the order is in force, the Council must keep full accounts of their income and expenditure in respect of this house. The Council must pay to the Relevant Proprietor any monies left over after deductions to meet relevant expenditure.

Appeals
The Relevant Proprietor has a right of appeal to the Residential Property Tribunal against certain decisions regarding Empty Dwelling Management Orders (*Housing Act 2004*, schedule 7, paragraphs 26, 30 and 34). If you disagree with the decision you have 28 days in which to appeal to the Residential Property Tribunal, beginning with the date specified in the notice as the date on which the decision was made.

Relevant Proprietor
The relevant proprietor is defined (section 132 (4) © of the Act) as the freeholder or, if the dwelling is let under one or more leases with an unexpired term seven years or more the lessee under whichever of those leases has the shortest unexpired term.

Advice
If you do not understand this order or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Law Centre, Housing Aid Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme.

Land Charge
When the order becomes operative it will be a local land charge on the premises to which it relates. This means that it will be recorded in the register of local land charges kept by the Council. This register is public and anyone may search for entries in it upon payment of a fee. Purchasers will normally search this register.

South Tyneside Council

South Tyneside Council
Interim Empty Dwelling Management Order

In respect of

43 Russell Street, Jarrow, Tyne & Wear NE32 3AN W

South Tyneside Council of The town Hall and Civic Offices, Westoe Road, South Shields. NE33 2RL hereby makes an Interim Empty Dwelling Management Order under Section 133 of the Housing Act 2004 in respect of:-

43 Russell Street, Jarrow, Tyne & Wear NE32 3AN W

a property owned by:-
Akber Fazel Somji & Zinnat Fazel
of 49 Goodby Road,
Moseley, Birmingham. B13 8RH

This Order comes into force on..... and shall cease to have effect at the end of the period of 12 months therefrom.

The Respondent may apply to the Applicant to vary or revoke the Order (paragraphs 6 & 7 of schedule 7 of the Act) or for an Order that a particular item or item of expenditure in the accounts which the tribunal are not relevant expenditure (paragraph5(7)).

The only appeal to this Tribunal is against the terms of the Order if it does not provide for matters mentioned in paragraph 5 (5)(a) and (b) of schedule 7 to the Act - not against making of the Order itself.

Executed as a Deed by affixing)
THE COMMON SEAL of THE)
COUNCIL OF THE BOROUGH)
OF SOUTH TYNESIDE)
In the presence of:-

Head of Legal Services

Mayor

EXPLANATORY NOTES

(Unless otherwise stated, statutory references are to the Housing Act 2004.)

Dwelling
A dwelling is defined under section 132 4(a) and (b) of this Act.

Application of an Empty Dwelling Management Order.
An Empty Dwelling Management Order applies to a Dwelling if it meets one or more of the criteria defined under sections 133 of this Act.

Operation of the Order
If there is not an appeal, the order will become operative at the end of 28 days from the date it is served.

If there is an appeal and the Residential Property Tribunal confirms the order, it will not become operative until the period for appealing has expired without such an appeal being brought or when a decision is given confirming the order.

If you start an appeal to the Residential Property Tribunal and then withdraw it, it will not become operative until the period for appealing has expired or on the day on which it would have become operative if the tribunal had confirmed the order or a variation of the order.

Effect of the Order
The effect of the order is that the Council are taking control of this property from you. You remain the legal owner of this property. The council will undertake any works it feels necessary at the property and manage it, or arrange for it to be managed on its behalf. The Council will receive all rents form the property, however they are only entitled to grant a tenancy or a license of the dwelling with prior written consent from the Relevant Proprietor. (No consent is needed once a Final EDMO has been granted).

Whilst the order is effective, you, as the relevant proprietor, are not entitled to receive any rents or other payments from persons occupying the house. You are not entitled to exercise any rights or powers with respect to the property and may not create any leases, tenancies or licences with respect to the property.

Period of the Order
This interim order will remain in force for 12 months from the date it was made unless it is revoked at an earlier date. If the Council feels that the property is not likely to be reoccupied they may apply for a Final Empty Dwelling Management Order, which lasts for a period up to 7 years.

Financial Arrangements
Whilst the order is in force, the Council must keep full accounts of their income and expenditure in respect of this house. The Council must pay to the Relevant Proprietor any monies left over after deductions to meet relevant expenditure.

Appeals
The Relevant Proprietor has a right of appeal to the Residential Property Tribunal against certain decisions regarding Empty Dwelling Management Orders (*Housing Act 2004*, schedule 7, paragraphs 26, 30 and 34). If you disagree with the decision you have 28 days in which to appeal to the Residential Property Tribunal, beginning with the date specified in the notice as the date on which the decision was made.

Relevant Proprietor
The relevant proprietor is defined (section 132 (4) © of the Act) as the freeholder or, if the dwelling is let under one or more leases with an unexpired term seven years or more the lessee under whichever of those leases has the shortest unexpired term.

Advice
If you do not understand this order or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Law Centre, Housing Aid Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme.

Land Charge
When the order becomes operative it will be a local land charge on the premises to which it relates. This means that it will be recorded in the register of local land charges kept by the Council. This register is public and anyone may search for entries in it upon payment of a fee. Purchasers will normally search this register.

South Tyneside Council

South Tyneside Council
Interim Empty Dwelling Management Order

In respect of

45 Russell Street, Jarrow, Tyne & Wear NE32 3AN W

South Tyneside Council of The town Hall and Civic Offices, Westoe Road, South Shields, NE33 2RL hereby makes an Interim Empty Dwelling Management Order under Section 133 of the Housing Act 2004 in respect of:

45 Russell Street, Jarrow, Tyne & Wear NE32 3AN W

a property owned by:-
Akber Fazel Somji & Zinnat Fazel
of 49 Goodby Road,
Moseley, Birmingham. B13 8RH

This Order comes into force on..... and shall cease to have effect at the end of the period of 12 months therefrom.

The Respondent may apply to the Applicant to vary or revoke the Order (paragraphs 6 & 7 of schedule 7 of the Act) or for an Order that a particular item or item of expenditure in the accounts which the tribunal are not relevant expenditure (paragraph5(7)).

The only appeal to this Tribunal is against the terms of the Order if it does not provide for matters mentioned in paragraph 5 (5)(a) and (b) of schedule 7 to the Act - not against making of the Order itself.

Executed as a Deed by affixing)
THE COMMON SEAL of THE)
COUNCIL OF THE BOROUGH)
OF SOUTH TYNESIDE)
In the presence of:-

Head of Legal Services

Mayor

EXPLANATORY NOTES

(Unless otherwise stated, statutory references are to the Housing Act 2004.)

Dwelling
A dwelling is defined under section 132 4(a) and (b) of this Act.

Application of an Empty Dwelling Management Order.
An Empty Dwelling Management Order applies to a Dwelling if it meets one or more of the criteria defined under sections 133 of this Act.

Operation of the Order
If there is not an appeal, the order will become operative at the end of 28 days from the date it is served.

If there is an appeal and the Residential Property Tribunal confirms the order, it will not become operative until the period for appealing has expired without such an appeal being brought or when a decision is given confirming the order.

If you start an appeal to the Residential Property Tribunal and then withdraw it, it will not become operative until the period for appealing has expired or on the day on which it would have become operative if the tribunal had confirmed the order or a variation of the order.

Effect of the Order
The effect of the order is that the Council are taking control of this property from you. You remain the legal owner of this property. The council will undertake any works it feels necessary at the property and manage it, or arrange for it to be managed on its behalf. The Council will receive all rents form the property, however they are only entitled to grant a tenancy or a license of the dwelling with prior written consent from the Relevant Proprietor. (No consent is needed once a Final EDMO has been granted).

Whilst the order is effective, you, as the relevant proprietor, are not entitled to receive any rents or other payments from persons occupying the house. You are not entitled to exercise any rights or powers with respect to the property and may not create any leases, tenancies or licences with respect to the property.

Period of the Order
This interim order will remain in force for 12 months from the date it was made unless it is revoked at an earlier date. If the Council feels that the property is not likely to be reoccupied they may apply for a Final Empty Dwelling Management Order, which lasts for a period up to 7 years.

Financial Arrangements
Whilst the order is in force, the Council must keep full accounts of their income and expenditure in respect of this house. The Council must pay to the Relevant Proprietor any monies left over after deductions to meet relevant expenditure.

Appeals
The Relevant Proprietor has a right of appeal to the Residential Property Tribunal against certain decisions regarding Empty Dwelling Management Orders (*Housing Act 2004*, schedule 7, paragraphs 26, 30 and 34). If you disagree with the decision you have 28 days in which to appeal to the Residential Property Tribunal, beginning with the date specified in the notice as the date on which the decision was made.

Relevant Proprietor
The relevant proprietor is defined (section 132 (4) © of the Act) as the freeholder or, if the dwelling is let under one or more leases with an unexpired term seven years or more the lessee under whichever of those leases has the shortest unexpired term.

Advice
If you do not understand this order or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Law Centre, Housing Aid Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme.

Land Charge
When the order becomes operative it will be a local land charge on the premises to which it relates. This means that it will be recorded in the register of local land charges kept by the Council. This register is public and anyone may search for entries in it upon payment of a fee. Purchasers will normally search this register.

South Tyneside Council

South Tyneside Council
Interim Empty Dwelling Management Order

In respect of

111 St Pauls Road, Jarrow, Tyne & Wear NE32 3AN

South Tyneside Council of The town Hall and Civic Offices, Westoe Road, South Shields. NE33 2RL hereby makes an Interim Empty Dwelling Management Order under Section 133 of the Housing Act 2004 in respect of:

111 St Pauls Road, Jarrow, Tyne & Wear NE32 3AN

a property owned by:-
Akber Fazel Somji & Zinnat Fazel
of 49 Goodby Road,
Moseley, Birmingham. B13 8RH

This Order comes into force on..... and shall cease to have effect at the end of the period of 12 months therefrom.

The Respondent may apply to the Applicant to vary or revoke the Order (paragraphs 6 & 7 of schedule 7 of the Act) or for an Order that a particular item or item of expenditure in the accounts which the tribunal are not relevant expenditure (paragraph5(7)).

The only appeal to this Tribunal is against the terms of the Order if it does not provide for matters mentioned in paragraph 5 (5)(a) and (b) of schedule 7 to the Act - not against making of the Order itself.

Executed as a Deed by affixing)
THE COMMON SEAL of THE)
COUNCIL OF THE BOROUGH)
OF SOUTH TYNESIDE)
In the presence of:-

Head of Legal Services

Mayor

EXPLANATORY NOTES

(Unless otherwise stated, statutory references are to the Housing Act 2004.)

Dwelling
A dwelling is defined under section 132 4(a) and (b) of this Act.

Application of an Empty Dwelling Management Order.
An Empty Dwelling Management Order applies to a Dwelling if it meets one or more of the criteria defined under sections 133 of this Act.

Operation of the Order
If there is not an appeal, the order will become operative at the end of 28 days from the date it is served.

If there is an appeal and the Residential Property Tribunal confirms the order, it will not become operative until the period for appealing has expired without such an appeal being brought or when a decision is given confirming the order.

If you start an appeal to the Residential Property Tribunal and then withdraw it, it will not become operative until the period for appealing has expired or on the day on which it would have become operative if the tribunal had confirmed the order or a variation of the order.

Effect of the Order
The effect of the order is that the Council are taking control of this property from you. You remain the legal owner of this property. The council will undertake any works it feels necessary at the property and manage it, or arrange for it to be managed on its behalf. The Council will receive all rents form the property, however they are only entitled to grant a tenancy or a license of the dwelling with prior written consent from the Relevant Proprietor. (No consent is needed once a Final EDMO has been granted).

Whilst the order is effective, you, as the relevant proprietor, are not entitled to receive any rents or other payments from persons occupying the house. You are not entitled to exercise any rights or powers with respect to the property and may not create any leases, tenancies or licences with respect to the property.

Period of the Order
This interim order will remain in force for 12 months from the date it was made unless it is revoked at an earlier date. If the Council feels that the property is not likely to be reoccupied they may apply for a Final Empty Dwelling Management Order, which lasts for a period up to 7 years.

Financial Arrangements
Whilst the order is in force, the Council must keep full accounts of their income and expenditure in respect of this house. The Council must pay to the Relevant Proprietor any monies left over after deductions to meet relevant expenditure.

Appeals
The Relevant Proprietor has a right of appeal to the Residential Property Tribunal against certain decisions regarding Empty Dwelling Management Orders (*Housing Act 2004*, schedule 7, paragraphs 26, 30 and 34). If you disagree with the decision you have 28 days in which to appeal to the Residential Property Tribunal, beginning with the date specified in the notice as the date on which the decision was made.

Relevant Proprietor
The relevant proprietor is defined (section 132 (4) © of the Act) as the freeholder or, if the dwelling is let under one or more leases with an unexpired term seven years or more the lessee under whichever of those leases has the shortest unexpired term.

Advice
If you do not understand this order or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Law Centre, Housing Aid Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme.

Land Charge
When the order becomes operative it will be a local land charge on the premises to which it relates. This means that it will be recorded in the register of local land charges kept by the Council. This register is public and anyone may search for entries in it upon payment of a fee. Purchasers will normally search this register.

South Tyneside Council

South Tyneside Council
Interim Empty Dwelling Management Order

In respect of

113 St Pauls Road, Jarrow, Tyne & Wear NE32 3AN

South Tyneside Council of The town Hall and Civic Offices, Westoe Road, South Shields. NE33 2RL hereby makes an Interim Empty Dwelling Management Order under Section 133 of the Housing Act 2004 in respect of:

113 St Pauls Road, Jarrow, Tyne & Wear NE32 3AN

a property owned by:-
Akber Fazel Somji & Zinnat Fazel
of 49 Goodby Road,
Moseley, Birmingham. B13 8RH

This Order comes into force on..... and shall cease to have effect at the end of the period of 12 months therefrom.

The Respondent may apply to the Applicant to vary or revoke the Order (paragraphs 6 & 7 of schedule 7 of the Act) or for an Order that a particular item or item of expenditure in the accounts which the tribunal are not relevant expenditure (paragraph5(7)).

The only appeal to this Tribunal is against the terms of the Order if it does not provide for matters mentioned in paragraph 5 (5)(a) and (b) of schedule 7 to the Act - not against making of the Order itself.

Executed as a Deed by affixing)
THE COMMON SEAL of THE)
COUNCIL OF THE BOROUGH)
OF SOUTH TYNESIDE)
in the presence of:-

Head of Legal Services

Mayor

EXPLANATORY NOTES

(Unless otherwise stated, statutory references are to the Housing Act 2004.)

Dwelling
A dwelling is defined under section 132 4(a) and (b) of this Act.

Application of an Empty Dwelling Management Order.
An Empty Dwelling Management Order applies to a Dwelling if it meets one or more of the criteria defined under sections 133 of this Act.

Operation of the Order
If there is not an appeal, the order will become operative at the end of 28 days from the date it is served.

If there is an appeal and the Residential Property Tribunal confirms the order, it will not become operative until the period for appealing has expired without such an appeal being brought or when a decision is given confirming the order.

If you start an appeal to the Residential Property Tribunal and then withdraw it, it will not become operative until the period for appealing has expired or on the day on which it would have become operative if the tribunal had confirmed the order or a variation of the order.

Effect of the Order
The effect of the order is that the Council are taking control of this property from you. You remain the legal owner of this property. The council will undertake any works it feels necessary at the property and manage it, or arrange for it to be managed on its behalf. The Council will receive all rents form the property, however they are only entitled to grant a tenancy or a license of the dwelling with prior written consent from the Relevant Proprietor. (No consent is needed once a Final EDMO has been granted).

Whilst the order is effective, you, as the relevant proprietor, are not entitled to receive any rents or other payments from persons occupying the house. You are not entitled to exercise any rights or powers with respect to the property and may not create any leases, tenancies or licences with respect to the property.

Period of the Order
This interim order will remain in force for 12 months from the date it was made unless it is revoked at an earlier date. If the Council feels that the property is not likely to be reoccupied they may apply for a Final Empty Dwelling Management Order, which lasts for a period up to 7 years.

Financial Arrangements
Whilst the order is in force, the Council must keep full accounts of their income and expenditure in respect of this house. The Council must pay to the Relevant Proprietor any monies left over after deductions to meet relevant expenditure.

Appeals
The Relevant Proprietor has a right of appeal to the Residential Property Tribunal against certain decisions regarding Empty Dwelling Management Orders (*Housing Act 2004*, schedule 7, paragraphs 26, 30 and 34). If you disagree with the decision you have 28 days in which to appeal to the Residential Property Tribunal, beginning with the date specified in the notice as the date on which the decision was made.

Relevant Proprietor
The relevant proprietor is defined (section 132 (4) © of the Act) as the freeholder or, if the dwelling is let under one or more leases with an unexpired term seven years or more the lessee under whichever of those leases has the shortest unexpired term.

Advice
If you do not understand this order or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Law Centre, Housing Aid Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme.

Land Charge
When the order becomes operative it will be a local land charge on the premises to which it relates. This means that it will be recorded in the register of local land charges kept by the Council. This register is public and anyone may search for entries in it upon payment of a fee. Purchasers will normally search this register.

South Tyneside Council

South Tyneside Council
Interim Empty Dwelling Management Order

In respect of

18 Percy Street, Jarrow, Tyne & Wear NE32 3AX

South Tyneside Council of The town Hall and Civic Offices, Westoe Road, South Shields. NE33 2RL hereby makes an Interim Empty Dwelling Management Order under Section 133 of the Housing Act 2004 in respect of:

18 Percy Street, Jarrow, Tyne & Wear NE32 3AX

a property owned by:-

Akber Fazel Somji & Zinnat Fazel
Moseley, Birmingham. B13 8RH

This Order comes into force on ..... and shall cease to have effect at the end of the period of 12 months therefrom.

The Respondent may apply to the Applicant to vary or revoke the Order (paragraphs 6 & 7 of schedule 7 of the Act) or for an Order that a particular item or item of expenditure in the accounts which the tribunal are not relevant expenditure (paragraph5(7)).

The only appeal to this Tribunal is against the terms of the Order if it does not provide for matters mentioned in paragraph 5 (5)(a) and (b) of schedule 7 to the Act - not against making of the Order itself.

Executed as a Deed by affixing)
THE COMMON SEAL of THE)
COUNCIL OF THE BOROUGH)
OF SOUTH TYNESIDE)
In the presence of:-

Head of Legal Services

Mayor

EXPLANATORY NOTES

(Unless otherwise stated, statutory references are to the Housing Act 2004.)

Dwelling
A dwelling is defined under section 132 4(a) and (b) of this Act.

Application of an Empty Dwelling Management Order.
An Empty Dwelling Management Order applies to a Dwelling if it meets one or more of the criteria defined under sections 133 of this Act.

Operation of the Order
If there is not an appeal, the order will become operative at the end of 28 days from the date it is served.

If there is an appeal and the Residential Property Tribunal confirms the order, it will not become operative until the period for appealing has expired without such an appeal being brought or when a decision is given confirming the order.

If you start an appeal to the Residential Property Tribunal and then withdraw it, it will not become operative until the period for appealing has expired or on the day on which it would have become operative if the tribunal had confirmed the order or a variation of the order.

Effect of the Order
The effect of the order is that the Council are taking control of this property from you. You remain the legal owner of this property. The council will undertake any works it feels necessary at the property and manage it, or arrange for it to be managed on its behalf. The Council will receive all rents form the property, however they are only entitled to grant a tenancy or a license of the dwelling with prior written consent from the Relevant Proprietor. (No consent is needed once a Final EDMO has been granted).

Whilst the order is effective, you, as the relevant proprietor, are not entitled to receive any rents or other payments from persons occupying the house. You are not entitled to exercise any rights or powers with respect to the property and may not create any leases, tenancies or licences with respect to the property.

Period of the Order
This interim order will remain in force for 12 months from the date it was made unless it is revoked at an earlier date. If the Council feels that the property is not likely to be reoccupied they may apply for a Final Empty Dwelling Management Order, which lasts for a period up to 7 years.

Financial Arrangements
Whilst the order is in force, the Council must keep full accounts of their income and expenditure in respect of this house. The Council must pay to the Relevant Proprietor any monies left over after deductions to meet relevant expenditure.

Appeals
The Relevant Proprietor has a right of appeal to the Residential Property Tribunal against certain decisions regarding Empty Dwelling Management Orders (*Housing Act 2004*, schedule 7, paragraphs 26, 30 and 34). If you disagree with the decision you have 28 days in which to appeal to the Residential Property Tribunal, beginning with the date specified in the notice as the date on which the decision was made.

Relevant Proprietor
The relevant proprietor is defined (section 132 (4) © of the Act) as the freeholder or, if the dwelling is let under one or more leases with an unexpired term seven years or more the lessee under whichever of those leases has the shortest unexpired term.

Advice
If you do not understand this order or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Law Centre, Housing Aid Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme.

Land Charge
When the order becomes operative it will be a local land charge on the premises to which it relates. This means that it will be recorded in the register of local land charges kept by the Council. This register is public and anyone may search for entries in it upon payment of a fee. Purchasers will normally search this register.