



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

Case reference : **LON/00AG/HMF/2022/0037**

HMCTS code (paper, video, audio) : **P:Paper case**

Property : **Fourth Floor, 35-37 William Road,
London NW1 3ER.**

Applicants : **Felix Beard**

Representative : **N/A**

Respondent : **Global 100 Limited.**

Representative : **Kelly Owen Limited – Anthony Owen,
Director.**

Type of application : **Application for a Rent Repayment
Order by tenant. Sections 40,41, & 44 of
the Housing and Planning Act 2016**

tribunal members : **Judge H Carr
Mr Kevin Ridgeway**

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

Date of decision : **13th May 2022**

DECISION ON PRELIMINARY ISSUE AND FURTHER DIRECTIONS

Covid-19 pandemic: description of hearing

This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was P:Paper Remote. A face-to-face hearing was not held because it was not practicable and all issues could be determined in a remote hearing. The documents that the tribunal was referred to are in emails dated 15th April 2022 received from the parties following the directions hearing.

Decision of the Tribunal

The Tribunal determines that it has no jurisdiction to determine the application

The application and procedural history

- A. An application for a rent repayment order ('RRO') was made by the Applicant, Mr Beard, by application form dated 10 January 2022 and received by the Tribunal on 21 January 2022 (recorded in the Tribunal's letter of 10 February 2022 as 2021 in error).
- B. On 4 February 2022, Judge Hamilton-Farey gave Directions for the application, including for the Applicant to provide his full bundle of documents by 28 March 2022. Amongst those documents he was directed to provide, the Applicant was directed by paragraph 6 (d) to provide "full details of the alleged offence, with supporting documents from the local housing authority, if available (**Note:** the tribunal will need to be satisfied **beyond reasonable doubt** that an offence has been committed)".
- C. Following receipt of the Applicant's bundle a procedural Judge, Judge N Carr, noted that the Applicant's bundle did not include evidence from the Local Authority as to when the property was licensed. At page 96 of the his bundle, the Applicant asserted that his claim was for the period to 10 February 2021. However, in the preamble to the rent calculation he conceded that the Respondent made an effective HMO application to the Local Authority on 10 January 2021.
- D. The judge also noted the assertion from the Respondent that its records have the licence application date as 15 January 2021.
- E. The judge made an initial assessment that the Tribunal had no jurisdiction in respect of the case. She therefore set the matter down for a hearing on the preliminary issue of jurisdiction and issued directions on 31st March 2022

The issues

1. The issue which the tribunal is required to determine is as follows: :

Has the tribunal jurisdiction under the Housing and Planning Act 2016 to determine the case?

The argument of the Applicant

2. The Applicant provided a copy of a letter from Mr Benjamin-Clarke who was the relevant Environmental Health Officer from the London Borough of Camden's Private Sector Housing Team. The letter confirmed that the Respondent's application for a license was received on 15th January 2021.
3. In his representations to the Tribunal dated 15th April 2022 the Applicant acknowledges that his application was 6 days out of time. He explains that he had no knowledge of the time frame as he had not been in the property when the council inspection took place.
4. He asks that the Tribunal allow him to take his case forward alongside the residents of the third floor of the same building. He suggests that the Respondent was aware of the requirements for an HMO licence and makes certain allegations about the condition of the property and the risks faced by the occupiers.

The argument of the Respondent

5. The Respondent refers to the representation of the Applicant and argues that there is no jurisdiction.

6. He refutes the allegations about the property and its management.

The decision of the tribunal

7. The tribunal determines that it has no jurisdiction in respect of this application.

The reasons for the decision of the tribunal

8. Section 41(2) of the Housing and Planning Act 2016 ('the Act') provides that:

*A tenant may make an application for a rent repayment order only if -
...(b) the offence was committed in the period of 12 months ending with the day on which the application was made.*

9. The Tribunal has no jurisdiction to extend the time for bringing the application (see *Gurusinghe & Ors v Drumlin Limited* [2021] UKUT 268 (LC)).
10. The facts of the case, and indeed the admission of the Applicant make it clear that the application was out of time and therefore that the Tribunal has no jurisdiction.

Name: Judge H Carr

Date: 13th May
2022

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RIGHTS OF APPEAL

1. 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.
2. 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.
3. 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.

- 4.** 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.

