



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

**Case reference** : **LON/00AZ/HMD/2019/0006**

**Property** : **22 Honley Road, London SE6 2HZ**

**Applicant** : **Iolanda Maria Chirico**

**Representative** : **In person**

**Respondent** : **London Borough of Lewisham**

**Representative** : **In house**

**Type of application** : **Appeal in respect of an HMO  
Declaration – Section 255(9) of the  
Housing Act 2004**

**Tribunal member** : **Judge Robert Latham  
Sue Coughlin MCIEH**

**Date and Venue of  
Hearing** : **19 June 2019 at  
10 Alfred Place, London WC1E 7LR**

**Date of decision** : **28 June 2019**

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**DECISION**

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**Background**

1. On 14 March 2019, the tribunal received an appeal by the applicant against a Notice of HMO Declaration dated 18 February 2019, served by the respondent council under section 255 of the Housing Act 2004.
2. On 19 March 2019, the tribunal gave Directions. The council took no part in the application until 12 June, when it informed the tribunal that it intended to withdraw the Notice. The council has not revoked the notice as required by section 256 of the Act.

3. On 18 June, the applicant stated that she wished to withdraw her appeal in the light of the decision of the council to withdraw the notice. On 19 June, she applied for a refund of the tribunal fees of £300 which she has paid.

### **The tribunal's decision**

4. The tribunal determines that:
  - (i) the appeal is allowed and that the decision of the council is reversed;
  - (ii) the HMO Declaration is revoked; and
  - (iii) the council shall within 21 days refund £300 to the applicant for the tribunal fees paid in respect of the appeal.

### **Reasons for the decision**

5. The council has agreed to withdraw the HMO Declaration. However, the council has not revoked the notice as required section 256 of the Act. The Tribunal therefore (i) allows the appeal; (ii) reverses the decision of the council; and (iii) revokes the HMO Declaration pursuant to section 255(11) of the Act.
6. In the light of the above decisions, it appears reasonable to us to order the council to reimburse the £300 fees paid by the applicant, pursuant to our powers under rule 13(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013. The council should have conceded the appeal at an earlier stage of the proceedings.

**Judge Robert Latham**  
**28 June 2019**

### **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).