



**FIRST-TIER TRIBUNAL**

**PROPERTY CHAMBER (RESIDENTIAL  
PROPERTY)**

**Case reference** : **LON/00BB/HML/2019/0006**

**Property** : **4A Boleyn Road, London E7 9QE**

**Applicant** : **Ms A Azzopardi**

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

**Respondent** : **London Borough of Newham**

**Representative** : **Mr C Jeffers**

**Type of application** : **Appeal against granting of a licence  
under Part 3 Housing Act 2004**

**Judge S Brilliant**

**Tribunal members** : **Mr P Casey MRICS**

**Date of determination  
and venue** : **6 November 2019**  
**10 Alfred Place, London WC1E 7LR**

**Date of decision** : **16 January 2020**

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**DECISION**

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1. The applicant has since 1996 been the freehold proprietor of 4 Boleyn Road, London E7 9QE (“the house”), registered under title number NGL120157.
2. The house is divided into ground floor and first floor flats.
3. Mr Gossett has since 2004 been the long leasehold proprietor of the first floor flat, registered under title number EGL11720.
4. Mr Gossett is a private landlord and lets out the first floor flat. The applicant lives in the ground floor flat.
5. All private landlords in this part of the London Borough of Newham (which will be referred to as “the local authority”) are required to be licensed in accordance with the provisions of the Housing Act 2004.
6. Accordingly, Mr Gossett requires to be licensed.
7. On 13 December 2018, the local authority served a notice of intention to grant a licence for the first floor flat on the applicant and on Mr Gossett.
8. On 27 December 2018, the applicant sent the local authority an email. She said that there had been a lot of problems with Mr Gossett and many of his tenants. There were water leaks from his bathroom into her kitchen and bathroom which had been ongoing for many years. Mr Gossett also owed her many years of ground rent.
9. Section 87 of the Housing Act 2004 provides as follows:
  - (1) Where an application in respect of a house is made to the local housing authority under section 87, the authority must either-
    - (a) grant a licence in accordance with subsection (2), or
    - (b) refuse to grant a licence.
  - (2) If the authority are satisfied as to the matters mentioned in subsection (3), they may grant a licence either—
    - (a) to the applicant, or
    - (b) to some other person, if both he and the applicant agree.
  - (3) The matters are—
    - (a) that the proposed licence holder—

- (i) is a fit and proper person to be the licence holder, and
- (ii) is, out of all the persons reasonably available to be the licence holder in respect of the house, the most appropriate person to be the licence holder...

10. Section 88 of the Housing Act 2004 provides as follows:

(1) In deciding for the purposes of section 88(3)(a) or (c) whether a person (“P”) is a fit and proper person to be the licence holder or (as the case may be) the manager of the house, the local housing authority must have regard (among other things) to any evidence within subsection (2) or (3).

(2) Evidence is within this subsection if it shows that P has—

(a) committed any offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (c. 42) (offences attracting notification requirements);

(b) practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business; or

(c) contravened any provision of the law relating to housing or of landlord and tenant law.

(3) Evidence is within this subsection if—

(a) it shows that any person associated or formerly associated with P (whether on a personal, work or other basis) has done any of the things set out in subsection (2)(a) to (c), and

(b) it appears to the authority that the evidence is relevant to the question whether P is a fit and proper person to be the licence holder or (as the case may be) the manager of the house.

11. Mr Jeffers, the local authority’s senior licensing officer, approved the licence on 10 January 2019. He did not consider that there was any reason why Mr Gossett was not a fit and proper person to hold a licence.

12. The applicant informed the local authority that she was still experiencing water leaks.

13. On 8 July 2019, Mr Jeffers and Ms Waris, a private-sector housing officer employed by the local authority, undertook a statutory inspection of the house. They found that when the first floor bathroom tap was run there was a leak from the

underside of the bath. It was also noted that the ceiling plaster of the ground floor bathroom and kitchen had at some point collapsed where the joists were exposed, but they were now dry. Mr Gossett was served with a notice of a statutory nuisance under section 80 of the Environmental Health Act 1990.

14. On 22 July 2019, Mr Jeffers and Ms Waris, together with another colleague, visited the house again. The initial leak had been remedied but there appeared to be a slight leak from the grey pipe to the rear of the bath. Mr Gossett explained that HomeServe had been appointed to carry out the works and had then confirmed it was completed. Mr Gossett gave assurances that he would contact HomeServe again asking them to return to the first floor flat to sort matters out.

15. An engineer from HomeServe Julie attended the first floor flat, and in a report dated 24 July 2019 it was recorded that repair work had been carried out and that when tested it was “all OK”. On 29 July 2019, Mr Gossett’s agents, Star Lettings Ltd, confirmed to the local authority by email that there was no leak under the bath of the first floor flat, and a photograph and video confirming this were provided.

16. Paragraph 31 of schedule 52 to the Housing Act 2004 provides that the applicant may appeal to the tribunal against a decision by the local authority on an application for a licence to grant the licence.

17. By an application dated 2 February 2019, the applicant appealed to this tribunal against the decision to grant the licence.

18. At the hearing both Mr Jeffers and Ms Waris attended on behalf of the local authority and the applicant represented herself.

19. In addition, Ms Woodford, who is the customer liaison officer of Gaffa & Co, Mr Gossett’s agents, attended and gave helpful evidence. She sent a cheque for £180 to the applicant on 8 October 2019 to cover the ground rent from February 2007 to January 2020. She complained about the failure of the applicant to carry out roof repairs to the house as Mr Gossett was being affected by leaks from the roof.

20. The evidence before us is that Mr Gossett has acted responsibly in dealing with the leaks from the bathroom and we are not persuaded that there is any continuing problem in that regard. The ground rent is now all been paid.

21. Moreover, we are not satisfied that the applicant can prove that any damage to her ceiling has been caused by the fault of Mr Gossett. The applicant’s evidence was that water had been leaking into the first floor flat for over 30 years.

22. We are satisfied that Mr Gossett is a fit and proper person to hold a licence, and this appeal must be dismissed.

**Name:** Judge Simon Brilliant

**Date:** 16 January 2020

## **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).