



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

**Case reference** : **LON/00BB/HMK/2021/0001**

**HMCTS code** : **V: VIDEOREMOTE**

**Property** : **22 Durham Road, London E16 4NF**

**Applicant** : **Mr Mihai Ranita**

**Representative** : **N/A**

**Respondent** : **L Hub London Ltd**

**Representative** : **Ms Catherine James**

**Type of application** : **Rent repayment order**

**Tribunal members** : **Judge Tagliavini  
Mr Kevin Ridgeway MRICS**

**Venue & date of hearing** : **10 Alfred Place, London WC1E 7LR  
15 September 2021**

**Date of decision** : **03 November 2021**

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**DECISION**

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**Covid-19 pandemic: description of hearing**

This has been a remote hearing on the papers which has been consented to by the parties. The form of remote hearing was V: VIDEOREMOTE. A face-to-face hearing was not held because it was not practicable and no-one requested the same, or it was not practicable, and all issues could be determined in a remote on paper. The documents that the Tribunal were referred to are in the applicant's bundle of 99 pages and the respondent's documents which were

not presented in a single indexed and paginated file, the contents of which have been noted.

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### **The tribunal's summary decisions**

- (1) The tribunal makes a rent repayment order in the sum of £6,720 which is payable by the respondent to the applicant by 13 October 2021.**
  - (2) The tribunal determines that the respondent is to reimburse the applicant the sum of £300 for the application and hearing. This sum is to be paid by 13 October 2021.**
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1. This is an application for a rent repayment order ('RRO') under the provisions of the Housing and Planning Act 2016 and section 72(1) Housing Act 2004 as an offence was committed by the respondent for having the management or control of a HMO that required an additional licence under the London Borough of Newham's Additional Licensing Scheme in force during the relevant period.

### **Background**

2. The applicant became a tenant of room 2, 22 Durham Road, London E16 4NT ('the premises') under a written agreement dated 23 August 2018 of which the respondent was the landlord. The applicant's tenancy continued as a statutory tenancy after the expiration of the fixed 6-month term and he now seeks a RRO in the sum of £6,720 for the period 23 December 2019 to 22 December 2020, representing 12 months' rent at £560 per month.
3. The premises comprise a four-bedroom house with shared use of kitchen and bathroom/w.c and which was let to 3 or more persons comprising 2 or more households, thereby satisfying the London Borough of Newham's definition of an HMO requiring an Additional Licence.

### **The applicant's case**

4. The applicant gave evidence at the hearing, that during the period December 2019 to December 2020, he had occupied room 2 in the premises with two other tenants (Ms Gandara and Ms Dos Santos), as well as a third tenant who left the premises in August 2020. The tribunal also was provided with a decision concerning the same

premises and a successful application for a RRO by Ms Gandara and Ms Dos Santos for the period 1 January 2020 to 31 December 2020; *LON/00BB/HMG/2021/10003*.

5. The applicant referred the tribunal to copies of his bank statements for proof of his rental payments by direct debit and confirmed that he had not been in receipt of Universal Credit/Housing Benefit at any time during the period for which he sought a RRO.
6. The applicant also referred the tribunal to the complaints made to the respondent landlord about the disrepair to the drains at the premises. The applicant stated that because of the collapsed drain, he had approached the London Borough of Newham, as the landlord's failed to carry out repairs. Subsequently, an inspection of the premises was carried out by officers from the London Brough of Newham who advised the applicant he may wish to make an application for a RRO due to the lack of any HMO licence for the premises.

### **The respondent's case**

7. Ms James represented the respondent and told the tribunal that although it had been known since at least 2016, that a licence for the property was required. Ms James confirmed that no application had been made to the London Borough of Newham for a licence by the respondent, since it had entered into a Management Agreement with Mr N C Beeny, the registered owner of the premises. Ms James told the tribunal that Mr Benny had to give his consent to the application for a licence and had failed to do so, despite the respondent's emails informing him that such an application should be made. Ms James also stated that in any event it was the owner's responsibility to obtain such a licence for the premises, although the Management Agreement specifying the respondent and the owner's obligations was not exhibited.
8. Ms James also told the tribunal that the respondent had not wanted to terminate the Management Agreement with Mr Beeny, as it did not want to evict the longstanding tenants from the premises. Ms James also confirmed that Mr Ranita had been a good tenant and had always paid his rent on time and kept the premises in a good condition.
9. Ms James asserted that any rent repayment order made by the tribunal should be reduced to reflect payments made to Mr Beeny under the Management Agreement of £1,5000 and the other expenses the respondent incurred in respect of the premises as well as the loss of income experienced due to COVID-19 restrictions.

### **The tribunal's decision and reasons**

10. The tribunal is satisfied, so that it is sure, that the respondent having the management and control of the subject premises, committed an offence under section 72(1) of the Housing Act 2004 in failing to obtain

a HMO licence under the London Borough of Newham's Additional Licensing Scheme. Consequently, the tribunal is satisfied that a RRO for the period 23 December 2019 to 22 December 2020 should be made in the applicant's favour.

11. In determining the amount of the RRO, the tribunal starts with the full amount of rent paid by the applicant during the relevant period. The tribunal determines, considering the respondent's concessions about the Mr Ranita, no deductions are required in respect of the tenant's conduct.
12. However, the tribunal considers that the respondent, having the management and control from at least 2017 and becoming aware at an early stage of the licence requirements, demonstrated a lack of regard to the legal requirements imposed by the London Borough of Newham. The tribunal does not accept the respondent's arguments that the owner of the premises prevented them from applying for a licence in its own name or that they did not wish to terminate the Management Agreement for fear of having to evict the applicant, even though a moratorium on evictions was in place for much of the period for which the RRO is sought.
13. Therefore, the tribunal declines to make any reductions to the RRO and determines that a RRO should be made in the sum of £6,750 together with a further £300 representing the reimbursement of the application and hearing fee. The tribunal directs the respondent to pay the sums of £6720 and £300 to the applicant by 13 October 2021.

Name: Judge Tagliavini

Date: 03 November 2021

### **Rights of appeal from the decision of the tribunal**

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).