



**First-tier Tribunal
Property Chamber
(Residential Property)**

Case Reference : **CAM/38UC/HNA/2018/0010**

Property : **26a and b Burchester Avenue,
Barton Headington,
Oxford,
OX3 9NA**

Proposed Appellant : **Ali Murat Terzi**

Proposed Respondent : **Oxford City Council**

Application : **for permission to appeal the Tribunal’s
determination of the amount of
a financial penalty (Paragraph 10 of
Schedule 13A of the Housing Act 2004 (“the
Act”))**

Date of Application : **15th January 2019**

Tribunal : **Bruce Edgington (lawyer chair)
David Brown FRICS**

DECISION

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1. The tribunal has considered the proposed Appellant’s request for permission to appeal dated 15th January 2019 and determines that:
 - (a) it will not review its decision; and
 - (b) permission be refused.
2. In accordance with section 11 of the Tribunals, Courts and Enforcement Act 2007 and rule 21 of the Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2010, the proposed Appellant may make further

application for permission to appeal to the Upper Tribunal (Lands Chamber). Such application must be made in writing and be received by the Upper Tribunal (Lands Chamber) no later than 14 days after the date on which the First-tier Tribunal sent notice of this refusal to the party applying for permission to appeal.

Reasons

Introduction

3. The **Housing and Planning Act 2016** (“the 2016 Act”) introduced an ability on the part of local housing authorities to issue Financial Penalty Notices against people who are guilty of various offences, one of which is the failure to comply with conditions on a Housing in Multiple Occupation (“HMO”) licence. This is an alternative to prosecution.
4. The proposed Appellant was served with a financial penalty notice ordering him to pay £19,374. This Tribunal reduced that amount to £2,000 and the proposed Appellant wants permission to appeal against such Tribunal decision.
5. This decision was dated 23rd November 2018 and was sent to the parties immediately with full information as to how and when to seek permission to appeal. On the 17th December 2018, the proposed Appellant sent an e-mail to the Tribunal office saying that he was “*delighted*” with the decision. He said that he had had a meeting with an officer of the proposed Respondent after the hearing, and that following such meeting he was left with “*a big question mark*” in his head. He said that he had asked for a meeting with an officer – whether it was the same one is not known.
6. The meeting, he said, was going to be “*probably after Xmas in January 19*”. He adds “*I am afraid I am unable to find much more definitive information than I currently have for my APPEAL*”.
7. A response was sent to the proposed Appellant on the same day (17th December 2018) pointing out that any request for permission to appeal out of time must set out why the application was late. The contents of rule 52(4) of the **Tribunal Procedure (First-tier)(Property Chamber) Rules 2013** were set out in the letter.
8. This application is dated 15th January 2019 and includes what the Tribunal will take to be an application for an extension of time but the explanation for its lateness simply refers to the reply of the 17th December not being located until the 21st December as it had been delivered to a neighbour in error. It also says that the proposed Appellant had hoped to have meetings with the proposed Respondent’s officer or officers before what he refers to as “*re-appealing against the final decision*”.

9. The reasons for the late application are not strong but the Tribunal accepts that the Christmas holiday period was within the 28 days and the application is only just over 2 weeks late. In the circumstances the application is accepted out of time.
10. The grounds of the proposed appeal are not easy to identify. They seem to amount to correct procedures not being explained properly to the proposed Appellant in 2017 by the then officer(s) of the proposed Respondent. The problem with that, is that the hearing before the Tribunal went into those matters in some detail and, as is recorded in the decision, the proposed Appellant clearly accepted that (a) his property was an HMO and (b) that he had not complied with imposed requirements, particularly with regard to fire precautions. He thought that the whole process was wrong, but he accepted the technical breaches. He confirmed, at the hearing, that he had deliberately failed to comply with the license conditions because he was so unhappy about the process.
11. The fact that these breaches were of a relatively technical nature was the reason for the Tribunal dramatically reducing the financial penalty. There is nothing in the application for permission to appeal which adds to the facts revealed at the hearing and the proposed Appellant does not say that he now challenges either the technical breaches or any of the reasons for the decision made by the Tribunal.
12. In the circumstances, the Tribunal cannot see that any appeal has a reasonable chance of success and the application for permission is refused.

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Bruce Edgington
Regional Judge
17th January 2019