



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

Case Reference : CHI/ 43UM/HSE/2019/0001

Property : 3 Courtenay Road
Woking
Surrey
GU21 5HG

Applicant : Woking Borough Council

Representative : Amanda Cooper – Housing Standards
Department

Respondents : Mrs Sajida Bibi

Representative :

Type of Application : Application for a rent repayment order by
tenant
Sections 40, 41, 42, 43 & 45 of the Housing
and Planning Act 2016

Tribunal Member(s) : Judge Tildesley OBE

**Date and Venue of
Hearing** : Determination on Papers

Date of Decision : 19 July 2019

DECISION

The Application

1. On 26 April 2019 the Tribunal received an application under section 41 of the Housing and Planning Act 2016 (the Act) from the Applicant for a rent repayment order (RRO) in the sum of £2,500.32
2. The Applicant states that the Respondent has committed an offence of privately renting premises without a selective licence for the period 1 April 2018 to 21 June 2018.
3. On 8 February 2019 The Applicant sent a Notice of Intended Proceedings to the Respondent. The Respondent made no representations.
4. The Tribunal directed the application to be dealt with on the papers, and required the Respondent to supply the Tribunal with her statement of case by 9 July 2019. The Respondent failed to comply with the Tribunal's direction.

Decision

5. The Tribunal finds the following
 - a. The Respondent is the owner of 3 Courtenay Road, Working which is within the selective licensing area of Canalside Walk which came into effect on 1 April 2018.
 - b. The property is situated in the area of Woking Borough Council.
 - c. The Respondent let the property to a Mrs Kanwai and her three children during the period 1 April 2018 to 21 June 2018.
 - d. The property should have been licensed for letting from 1 April 2018. The Respondent's application for a selective licence was not received until 22 June 2019
 - e. The property was unlicensed for the period 1 April 2018 to 21 June 2018
 - f. During the period 1 April to 21 June 2018 the Respondent received housing benefit payments in respect of the tenants in the sum of £2,500.32.
 - g. On 8 February 2019 the Applicant sent a Notice of Intended Proceedings to the Respondent, and gave 28 days in which to make representations. No representations were received.
6. The Tribunal is satisfied beyond reasonable that the Respondent has committed an offence under section 95(1) of the Housing Act 2004. The Tribunal orders the Respondent to repay rent in the sum of £2,500.32 to the Applicant within 28 days.

7. The Tribunal orders the Respondent to reimburse the Applicant with £100 application fee.

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.