



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

<b>Case reference</b>	:	<b>LON/00AN/HML/2019/0042</b>
<b>Property</b>	:	<b>Flat A (Basement and ground floor) at 277 Uxbridge Road, London W12 9DT</b>
<b>Applicant</b>	:	<b>Notting Hill Genesis</b>
<b>Representative</b>	:	<b>Ms Victoria Osler – Counsel</b>
<b>Respondent</b>	:	<b>London Borough of Hammersmith and Fulham</b>
<b>Representative</b>	:	<b>Mr Ben Du Feu - Counsel</b>
<b>Interested party</b>		<b>Golar Properties LLP</b>
<b>Representative</b>	:	<b>Mr James Harris - Counsel</b>
<b>Type of application</b>		<b>Appeal in respect of an HMO licence - Section 64 &amp; Part 3 of Schedule 5 to the Housing Act 2004</b>
<b>Tribunal member(s)</b>	:	<b>Tribunal Judge Dutton Mr J F Barlow FRICS</b>
<b>Date and venue of hearing</b>	:	<b>29<sup>th</sup> January 2020 at 10 Alfred Place, London WC1E 7LR</b>
<b>Date of decision</b>	:	<b>29<sup>th</sup> January 2020</b>

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**DECISION**

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## **Decisions of the tribunal**

**The tribunal determines that, for the reasons set out below the licence granted on 20<sup>th</sup> June 2019 to Golar Properties LLP (the Licence) be revoked.**

### **The application**

1. This application was an appeal by the applicant against the grant of the Licence by the Council. In detailed statements of case the grounds upon which the appeal was made were fully set out.
2. The respondent Council filed a bundle of papers indicating why it considered that the Licence should be granted. The interested party, Golar Properties LLP also filed papers seeking to support the grant of the Licence by the Council.

### **Hearing**

3. In addition to the papers provided by the parties we received skeleton arguments from Ms Osler for the applicant and from Mr Du Feu for the Council.
4. We undertook an initial review of the papers in the presence of all three parties. In so doing it became apparent that the ownership of the property at Flat A 277 Uxbridge Road London W12 9DT (the Property) had been transferred to S & Y Golar Properties Limited in August 2019, some two months or thereabouts after the Licence was granted to Golar Properties LLP.
5. We raised with the representatives the provisions of s68(6) of the Housing Act 2004 (the Act) which states that a licence may not be transferred to another person. We had earlier been told by Counsel for the parties that the phrase “person” could include a limited company.
6. On raising this point, and after a short adjournment, we were told by Mr Du Feu that the Council’s position was that on the basis of the change of ownership, it was appropriate for us to revoke the Licence under the provisions of paragraph 34 of Schedule 5 part 3 of the Act, relying on s68(6). Ms Osler supported this position.
7. Mr Harris for the interested party asked us to consider the application before us on the merits and not be influenced by the provisions of s68(6).

## **Findings**

8. It is a pity that the anomaly in this case had not been noticed before the hearing. However, it is clear that the licence was granted on 20<sup>th</sup> June 2019 and the transfer of the Property to S & Y Golar Properties Limited is recorded at HM Land Registry on 23<sup>rd</sup> August 2019.
9. We find that the provision of s68(6) of the Act applies. It is not possible to transfer the Licence to another person. It was suggested that the provisions of s64 (2) may assist but it seems to us that it cannot as it refers to the grant of a licence and is subject to the provisions of s64(3) being complied with, which is clearly not the case.
10. In these circumstances we find that we have no alternative, in the absence of the Council confirming revocation at the hearing, but to revoke the Licence under the provisions open to us at paragraph 34 of Schedule 5 part 3 of the Act and by reason of the provisions at s68(6) of the Act.

**Name:** Tribunal Judge Dutton      **Date:** 29<sup>th</sup> 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).