



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

Case Reference : CHI/00HB/HMF/2021/0042

Property : 173 Bradford Road, Combe Down,
Bath BA2 5BT

Applicant : Soniya Bagga

Representative : Leegan Cardozo

Respondent : Yanfei Jones

Representative :

Type of Application : Application for a Rent Repayment Order
by a Tenant
Sections 40, 41, 42, 43 & 45 of the Housing
and Planning Act 2016

Tribunal Member : Judge Tildesley OBE

Date of Notice : 8 February 2022

**NOTICE THAT THE TRIBUNAL STRIKES OUT AN APPLICATION
PURSUANT TO RULE 9 OF THE TRIBUNAL PROCEDURE (FIRST-
TIER TRIBUNAL) (PROPERTY CHAMBER) RULES 2013**

DECISION

This is a formal order of the Tribunal which must be complied with by the parties.

Due to the Covid 19 pandemic, communications to the Tribunal MUST be made by email to rpsouthern@justice.gov.uk. All communications must clearly state the Case Number and address of the premises.

1. On 23 December 2021 the Tribunal received an application under section 41 of the Housing and Planning Act 2016 (the Act) from the Applicant tenant for a Rent Repayment Order (RRO) against the Respondent landlord. The amount claimed was £2,778 for rent and a cleaning fee for the period 16 September 2019 to 3 April 2020. (The Tribunal can only concern itself with the rent that has been paid and no other fees.)
2. The Tribunal issued an Order on 28 January 2022 notifying the parties that it was minded to strike out the application in accordance with Rule 9(2) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 on the ground that it does not have the jurisdiction to make a determination as the application had not been made within the twelve month time period.
3. Representations were requested by 4 February 2022 in the absence of which the Tribunal will strike out the application without further notice.

Or

4. If representations are made the Tribunal will advise the parties of their decision within 14 days of receipt.
5. An email dated 2 February 2022 was received from the Applicant stating *“Taking the tribunal correspondence into consideration we would like to clarify that we have not submitted the application any late. We were told to submit this rent repayment application form only after getting the case decision which has been attached to this email below for your reference. So we request you to kindly consider the application, for more information relating to this matter is that this case was taken care of by one of our flatmates YUNIL ANGBO and we were told to wait until we hear from the HMO regarding the case results, detail information is in the attached documents below.”* Attached to the email was a copy of the Tribunal’s Decision dated 26 April 2021 for reference CHI/OOHA/HMF/2021/0004 and a Decision from the Upper Tribunal (Lands Chamber) dated 14 July 2021 refusing permission to appeal that Decision.

6. No representations have been received from the Respondent.
7. The Applicant has failed to provide the date of the alleged offence nor has the application been made within the twelve-month time period.
8. The Tribunal therefore strikes out the application in accordance with Rule 9(2) (a) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 on the ground that it does not have the jurisdiction to make a determination.

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 by email to rpsouthern@justice.gov.uk 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.