



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

**Case reference** : **LON/OOAQ/HMF/2022/0213**

**Property** : **29 Charley Avenue, Stanmore,  
Middlesex, HA73RA**

**Applicant** : **Ms Gannon**

**Representative** :

**Respondents** : **Ms Biroli**

**Representative** :

**Type of application** : **Rent Repayment Order**

**Tribunal** : **Judge Shepherd  
Fina Macleod MCIEH**

**Date of Directions** : **3<sup>rd</sup> March 2023**

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**DETERMINATION.**

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1. This case was heard on the 3rd of March 2023. The Applicant contacted the tribunal on the 1st of March 2023 to say that she was unwell and to ask the

Tribunal either to decide the matter on the papers or to adjourn the case. She did not provide any medical evidence confirming that she would not be able to attend a hearing online. The Tribunal wrote back to the Applicant to ask her when she would be able to attend an online hearing with a view to possibly adjourning the hearing today. The Applicant did not respond to this message and therefore it was considered a possibility that she would actually attend the hearing. In the event she chose not to attend and not to respond to the query by the Tribunal. Faced with a case in which there is no Applicant the tribunal decided to dismiss her application. If the Applicant considers that she had a good reason for not attending the hearing and not replying to the Tribunal it is open to her to make an application to set aside the decision striking out her application.

2. The Respondent and her husband did attend the hearing and the Tribunal asked the respondent some questions about the case in particular the alleged unlawful eviction. Whilst the tribunal only heard from one side our preliminary view is that it would be difficult for the Applicant to satisfy a Tribunal beyond reasonable doubt that she would be entitled to a rent repayment order based on alleged harassment and unlawful eviction. It is important to stress however that this matter has not been properly tried with cross examination on both sides. On a practical note the Respondent told the Tribunal that she wanted the Applicant to remove her possessions which were taking up space. The Applicant would be well advised to recover her possessions even if she wishes to retain an action against the Respondent.

Judge Shepherd

3<sup>rd</sup> March 2023

#### ANNEX - RIGHTS OF APPEAL Appealing against the tribunal's decisions

1. A written application for permission must be made to the First-tier Tribunal at the Regional tribunal office which has been dealing with the case.
2. The application for permission to appeal must arrive at the Regional tribunal office within 28 days after the date this decision is sent to the parties.
3. 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.
4. The application for permission to appeal must state the grounds of appeal, and state the result the party making the application is seeking. All applications for permission to appeal will be considered on the papers

5. Any application to stay the effect of the decision must be made at the same time as the application for permission to appeal.