



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

Case reference : **LON/00BE/HMF/2024/0113**

Property : **13 Langford Green, Southwark, London,
SE5 8BX**

Applicant : **Victoria Beyai**

Representative : **In person**

Respondent : **Dr Paramit Chowdhury**

Representative : **In person**

Type of application : **Application for a rent repayment order
by tenant**
Sections 40, 41, 43, & 44 of the Housing and
Planning Act 2016

Tribunal : **Judge Adrian Jack and Tribunal Louise
Crane MCIEH**

Date of decision : **11th September 2024**

DECISION

1. This is a claim for a rent repayment order in the sum of £3,171.78. The Tribunal gave directions in this matter on 28th May 2024. Of particular significance was the direction that the applicant serve a bundle by 25th June 2024. This the applicant failed to do.
2. The applicant asserts that she has been in poor health and in particular poor mental health. However, she has never presented any medical evidence to support this. When she appeared before us on 11th September 2024, she did not appear to be a hundred per cent as regards her health, but in our judgment, she was physically and mentally well enough to present her case.
3. In correspondence, the respondent complained of the applicant's failure to serve a bundle. Further the Tribunal's case officer chased the applicant for the bundle. The applicant repeated that she was in poor health, but, as we have noted, she never provided medical evidence to establish that she could not comply with the Tribunal's directions.
4. As a result on Friday 6th September 2024, in order to save the hearing date 11th September 2024, Judge Jack made an order providing firstly that unless the applicant did by 4pm on Monday 9th September 2024 serve on the Tribunal and on the respondent, an application on a form Order1 supported by medical evidence for adjournment of the hearing on 11th September 2024, the hearing on 11th September 2024 would continue to be listed for a final hearing and secondly that unless the applicant did by 4pm on Monday 9th September 2024 serve on the Tribunal and on the respondent a bundle in accordance with the Tribunal's directions of 28th May 2024, the applicant would be debarred from adducing evidence at the hearing on 11th September 2024.
5. At 3.33pm on 9th September 2024, the applicant sent an email which purported to attach a copy of the bundle to the Tribunal and to the respondent. In fact, however, only a copy of the Tribunal's directions was attached. The Tribunal notified the applicant of the deficiency in an email of 3.54pm on 9th September 2024. The applicant in fact only sent her bundle as an attachment to an email of 10th September 2024 at 7.21am.
6. The consequence is that, pursuant to the "unless" order of 6th September 2024, the applicant was debarred from adducing evidence before us on 11th September 2024.
7. In order to adduce evidence before us, it was incumbent on the applicant to make an application to vary the order of 6th September 2024 or otherwise to seek relief from sanctions. Since any such application was likely to be contentious it was incumbent on her to make a formal application on Form Order1, which would normally be supported by evidence. She had not done so, when the matter was called on before us on 11th September 2024.
8. It follows that at the hearing before us, on the applicant having been debarred from adducing evidence, the case stood to be dismissed.

DECISION

The applicant's claim is dismissed.

Signed: Judge Adrian Jack

Date: 11th September 2024