



H04

Appeal against a financial penalty under section 249A of the Housing Act 2004

Paragraph 10 of schedule 13A to the Housing Act 2004

The application fee is £110

Use this form to appeal against a financial penalty which a local housing authority has imposed upon you and the local housing authority has given you a 'final notice'.

You must complete all sections and provide all documentation requested otherwise the tribunal cannot progress your application.

If you are unable to do so you must explain why at the end of this form. The tribunal will decide whether or not the application can proceed.

Before you apply

You will need a copy of the final notice as issued by the local authority.

Important: Tribunal cases and criminal proceedings

Financial penalties are issued by local authorities as an alternative to prosecution for an offence in the Magistrates Court.

However, when deciding any appeal, the tribunal must still be satisfied to a criminal standard that an offence has been committed.

Therefore, when completing this form, you have the right not to incriminate yourself.

If you have any doubts, you should take legal advice.

If you have any questions

If you have any questions about this application contact the relevant regional office in **Annex 1**.

The tribunal cannot give legal advice on your case.

Serving the application

You must send a copy of the application to the respondent and any interested party by email or post.

Other notes

Write clearly if you are completing this form by hand.

Use another sheet of paper if there is not enough space for you to say everything.

Add your name at the top of any additional pages.

1. Applicant's details

1.1 Name

1.2 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

1.3 Phone number

Day

Evening

Mobile

1.4 Email address

Details of applicant's representative (if any)

1.5 Name

1.6 Reference number (if any)

Where details of a representative have been given, all correspondence and communications will be with them until the Tribunal is notified that they are no longer acting for you.

1.7 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

1.8 Phone number

Day

Mobile

1.9 Email address

2. Address of subject property

2.1 Is the address of the subject property the same as the applicant's address?

Yes

No, provide the address below

Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

2.2 Reference number for correspondence (optional)

2.3 Brief description of the property

Note 2.2: Add a short description of the Property, for example:

- 2-bedroom flat in a converted house with 6 flats

3. Details of local housing authority

3.1 Name of local housing authority

3.2 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

3.3 Address for correspondence (if different from question 3.2)

First line of address

Second line of address

Town or city

County (optional)

Postcode

3.4 Reference number on Final notice

3.5 Contact person on Final notice

3.6 Phone number

Day

Evening

Mobile

3.7 Email address

Details of respondent's representative (if any)

3.8 Name

3.9 Reference number (if any)

3.10 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

3.11 Phone number

Day

Mobile

Where details of a representative have been given, all correspondence and communications will be with them until the Tribunal is notified that they are no longer acting for you.

3.12 Email address

4. Other applications

- 4.1** Are you, or have you been involved in any other Housing Act 2004 or Housing and Planning Act 2016 application to the tribunal or a Residential Property Tribunal or are you aware of any other application involving the same respondent or property as in this application?

Yes. **Give details in the box below.**

No

Give details including the case reference number and the date of the decision (where relevant).

5. Can we deal with your application without a hearing?

It is possible for your application to be dealt with only on written representations and documents without anyone needing to attend in person. This is called a paper determination.

5.1 Do you think a paper determination is right for your case?

Yes

No

Urgency of application

5.2 Is your case urgent?

Yes, explain why it is urgent in the box below

No

My case is urgent because

Note 5.1: Even if you have asked for a paper determination the tribunal may decide that a hearing is necessary.

You'll need to pay an additional fee of £220 if a hearing date is set.

6. Would you be willing to engage in mediation to resolve your dispute?

The tribunal offers free mediation conducted by trained judicial mediators who are familiar with the relevant law.

Visit this website for an information video: Judicial Mediation in the First-tier Tribunal Property Chamber <https://www.youtube.com/watch?v=Mc9ngJs4Ux8>.

Agreements to mediate may be sent to the parties or may be requested from the case officer. Upon receipt of signed agreements from both parties, the tribunal will seek to arrange a date. Using mediation will not delay the application.

6.1 Would you be willing to engage in mediation to resolve this dispute, if the other side agrees and the tribunal thinks it appropriate?

Yes

No

7. Availability

Are there any dates or days we must avoid during the next four months (either for your convenience or the convenience of any witness or expert you may wish to call)?

Yes. Please list them in the box below.

No

Dates on which you will **not** be available:

8. Venue requirements

8.1 Do you or anyone coming with you have any special requirements, such as, the use of a wheelchair and/or the presence of a translator?

Yes. Please list them in the box below.

No

Applications handled by the London regional office are usually heard in Alfred Place, which is fully wheelchair accessible. Elsewhere, hearings are held in local venues which are not all so accessible and the case officers will find it useful to know if you or anyone you want to come to the hearing with you has any special requirements of this kind.

9. Outcome of your appeal

9.1 What outcome are you seeking from your appeal?

For example:

- Set aside the penalty notice, or
- Reduce the amount of the penalty.

If you consider that the local authority was wrong to impose a penalty, or that you had a reasonable excuse for failing to licence the property or to comply with a notice from the authority, you may indicate that here and provide further details in answer to questions 10.14 and 10.15 in Section 10.

10. Specific questions relating to your appeal

To help the tribunal case manage your appeal, please provide answers to as many of the following questions as you can. You will be given an opportunity later to provide more information and evidence.

Penalty based on a breach of management regulations in respect of HMOs

10.1 Do you agree that you have breached one or more of the Management Regulations in respect of HMOs?

Yes. **Give details in the box below.**

No. **If no other reasons for imposing a penalty apply, go to question 10.9 below.**

I have breached

Penalty based on a breach of conditions attached to a licence

10.2 Do you agree that you have breached one or more of the conditions attached to a licence granted in respect of the property?

Yes. **Give details in the box below.**

No. **If no other reasons for imposing a penalty apply, go to question 10.9.**

I have breached

Penalty based on a failure to comply with a notice or order served by a local authority. Such as, an improvement notice or overcrowding notice.

10.3 Do you agree that such a notice or order was served on you?

Yes. **It was served on me on the**

Day	Month	Year

No

10.4 Do you agree that you have not complied with the notice or order?

Yes

No. **If no other reasons for imposing a penalty apply, go to question 10.9.**

Penalty based on the property not having a relevant licence

10.5 Do you agree that on the date specified in the local authority's final notice the property was in an area that required a mandatory, additional or selective licence?

Yes

No

10.6 Do you agree that the property did not have a mandatory, additional or selective licence on the date specified in the local authority's final notice?

Yes

No

10.7 Have you applied for a licence in respect of the property?

Yes. **I applied on**

Day	Month	Year

No

10.8 Have you applied for a temporary exemption?

Yes. I applied for a temporary exemption on

Day	Month	Year

No. **Go to question 10.9.**

In all cases

10.9 What is your interest in the property?

Freeholder

Leaseholder

Other, please explain

10.10 Did you receive a notice of intent before the final penalty notice?

Yes

No

10.11 Did you make any representations about the intention to impose a penalty?

Yes. **Give details below.**

No

Briefly summarise the representations you made

10.12 Did the local authority notify you that it had considered your representations and of the outcome?

Yes

No

10.13 Did the final notice state any of the following?

the amount of the penalty

Yes

No

the reasons for imposing the penalty

Yes

No

how to pay the penalty

Yes

No

the period for payment of the penalty

Yes

No

your right of appeal

Yes

No

consequences of not complying with the notice

Yes

No

10.14 Do you believe the local authority was wrong to impose a penalty?

Yes. **Give reason in the box below.**

No

I believe the local authority was wrong to impose a penalty because

10.15 Do you consider you have a reasonable excuse for failing to licence the property or to comply with a notice from the authority?

Yes. **Explain in the box below what that excuse was.**

No

10.16 Do you dispute the amount of the penalty?

Yes

No

10.17 Has the penalty been explained to you and how the amount was calculated, by reference to the local authority's policy or a matrix?

Yes

No

10.18 Do you disagree with the calculation?

Yes. **Explain why in the box below.**

No

10.19 Without admitting liability or detracting in any way from your previous answers, do you wish to make any practical proposals now to settle your appeal? If so, please set them out here.

Yes. **Set out your proposal in the box below.**

No

I propose the case could be settled in the following way

11. Statement of truth

I **believe** that the facts stated in this form and any continuation pages are true.

Signature

Date

Day	Month	Year

Full name

12. Additional information

If you have not completed all sections of this form please tell us in the box below which sections have not be completed and why?

13. Application fee

What you need to pay

The application fee is **£110**

How to pay the fee

I have not included payment because

I have applied for help with fees online and my reference number is

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I am applying for help with fees, see attached form EX160 'Apply for help with fees'

Other – please explain why

I want to pay by online banking

Email me details on how to pay, my email address is

I enclose a cheque or postal order, made payable to HMCTS

Fee account details – for use by legal professionals

Your account number

P	B	A							
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Your reference (if applicable)

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Note for application fee

You'll need to pay an additional fee of £220 when the hearing date is set.

You may be able to get help paying fees if you only have a small amount in savings, receive certain benefits or are on a low income.

See www.gov.uk/get-help-with-court-fees for more information.

Online banking: The tribunal will send you a reference number so you can make a payment online.

Cheques or postal order: Write your name and address on the back of the cheque or postal order.

14. Checklist

Ensure that the following are enclosed with your application:

A copy of the **Final Notice** given to you by the local housing authority.

Application fee - see page 17 for ways to pay the fee

After you have completed this form

You can email your application and the documents from the checklist to the relevant regional tribunal address shown in the Annex 1 to this form.

If you cannot email, you can send the application by post.

Annex 1

List of addresses of tribunal regional offices

Northern region

Address:

HM Courts & Tribunals Service
First-tier Tribunal (Property Chamber)
Residential Property
1st Floor, Piccadilly Exchange
Piccadilly Plaza
Manchester
M1 4AH

Telephone: 01612 379491

Fax: 01264 785 128

Email address: RPNorthern@justice.gov.uk

This office covers the following metropolitan districts: Barnsley, Bolton, Bradford, Bury, Calderdale, Doncaster, Gateshead, Kirklees, Knowsley, Leeds, Liverpool, Manchester, Newcastle-upon-Tyne, Oldham, Rochdale, Rotherham, St. Helens, Salford, Sefton, Sheffield, Stockport, Sunderland, Tameside, Trafford, Tyneside (North and South), Wakefield, Wigan and Wirral.

It also covers the following unitary authorities: Hartlepool, Middlesbrough, Redcar and Cleveland, Darlington, Halton, Blackburn with Darwen, Blackpool, Kingston-upon-Hull, East Riding of Yorkshire, Northeast Lincolnshire, North Lincolnshire, Stockton-on-Tees, Warrington and York.

It also covers the following Counties: Cumbria, Durham, East Cheshire, Lancashire, Lincolnshire, Northumberland, North Yorkshire and West Cheshire.

Midland region

Address:

HM Courts & Tribunals Service
First-tier Tribunal (Property Chamber)
Residential Property
Centre City Tower
5-7 Hill Street
Birmingham
B5 4UU

For use by legal professionals:

DX 360601 Birmingham 5

Telephone: 0121 600 7888

Fax: 01264 785 122

Email address: RPMidland@justice.gov.uk

This office covers the following metropolitan districts: Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton.

It also covers the following unitary authorities: Derby, Leicester, Rutland, Nottingham, Herefordshire, Telford and Wrekin and Stoke-on-Trent.

It also covers the following Counties: Derbyshire, Leicestershire, Nottinghamshire, Shropshire, Staffordshire, Warwickshire and Worcestershire.

Eastern region

Address:

HM Courts & Tribunals Service
First-tier Tribunal (Property Chamber)
Residential Property
Cambridge County Court
197 East Road
Cambridge CB1 1BA

For use by legal professionals:

DX 97650 Cambridge 3

Telephone: 01223 841 524

Fax: 01264 785 129

Email address: RPEastern@justice.gov.uk

This office covers the following

metropolitan districts: Bracknell Forest, West Berkshire, Reading, Slough, Windsor and Maidenhead, Wokingham, Luton, Peterborough, Milton Keynes, Southend-on-Sea and Thurrock.

It also covers the following Counties:

Bedfordshire, Berkshire, Buckinghamshire, Cambridgeshire, Essex, Hertfordshire, Norfolk, Northamptonshire, Oxfordshire and Suffolk.

Southern region

Address:

HM Courts & Tribunals Service
First-tier Tribunal (Property Chamber)
Residential Property
Havant Justice Centre
The Court House
Elmleigh Road
Havant
Hants PO9 2AL

Telephone: 01243 779 394

Fax: 0870 7395 900

Email address: RPSouthern@justice.gov.uk

This office covers the following

unitary authorities: Bath and Northeast Somerset, Bristol, North Somerset, South Gloucestershire, Bournemouth, Plymouth, Torbay, Poole, Swindon, Medway, Brighton and Hove, Portsmouth, Southampton and the Isle of Wight.

It also covers the following Counties:

Cornwall and the Isles of Scilly, Devon, Dorset, East Sussex, Gloucestershire, Hampshire, Kent, Somerset, Surrey, West Sussex and Wiltshire

London region

Address:

HM Courts & Tribunals Service
First-tier Tribunal (Property Chamber)
Residential Property
10 Alfred Place
London WC1E 7LR

For use by legal professionals:

DX 134205 Tottenham Court Road 2

Telephone: 020 7446 7700

Fax: 01264 785 060

Email address: London.RAP@justice.gov.uk

This office covers all the London boroughs.

For information on how HM Courts and Tribunals Service process and store your data visit:

www.gov.uk/hmcts/privacy-policy
