



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

Case Reference : **LON/00AP/HMF/2024/0188**

Property : **44 Gathorne Road, Wood Green,
London, N22 5ND**

Applicant : **Carmen Kai**

Represented : **Jamie McGowan, Justice for
Tenants**

Respondent : **Zongmei Wang**

Represented : **In person**

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

Tribunal : **Judge Bernadette MacQueen
Mr Fonka, FCIEH CEnvH M.Sc**

Date of Hearing : **21 January 2025**

Date of Decision : **21 January 2025**

DECISION

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DECISION

1. The application is made out of time because the claim relates to an offence that ended on 3 May 2023 by virtue of a Temporary Exemption Notice made by the London Borough of Haringey. That date is more than 12 months before the date on which the application was made to this Tribunal. The Applicant is therefore not entitled to apply for a rent repayment order and accordingly the application for a rent repayment order is refused.

Background

2. The application is for repayment of rent in respect of the period 19 September 2022 until 16 July 2023. However, by notice dated 3 May 2023 the relevant local authority, the London Borough of Haringey made a Temporary Exemption Notice under section 62(2) Housing Act 2004 in relation to 44 Gathorne Road, Wood Green, London, N22 5ND (the Property). The notice states:

“The council has decided, under section 62(2) of the Housing Act 2004, to grant a temporary exemption from the requirement to licence.

44 Gathorne Road, Wood Green, London, N22 5ND shall be exempted from the need to be licensed under Part 2 of the Housing Act 2004 and shall come into force from 3 May 2023 and will end on 2 August 2023, which is three calendar months from the start date.”

3. The effect of this notice was that for three months from 3 May 2023 the Property was exempt from the licensing requirements. This therefore means that the last date an offence was committed was 2 May 2023.

4. The Applicant's application for a rent repayment order was received by the Tribunal on 24 May 2024. Under section 41(2) of the 2016 Act, "A tenant may apply for a rent repayment order only if ... the offence was committed in the period of 12 months ending with the day on which the application is made".
5. The Applicant asked the Tribunal to consider whether or not the Temporary Exemption Notice had been given on a false basis given that the Tenants had confirmed to the London Borough of Haringey that they were not going to vacate the Property on 20 June 2023. However, the Tribunal does not accept this argument. The Temporary Exemption Notice was made and remained in force. The Tribunal cannot go behind that notice.
6. The application is therefore out of time because the claim relates to an offence ending on 3 May 2023, and that date is more than 12 months before the date on which the application was made. The Applicant is therefore not entitled to apply for a rent repayment order and accordingly the application for a rent repayment order is refused.

Judge: Bernadette MacQueen

Date: 21 January 2025

RIGHTS OF APPEAL

1. 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 at the Regional Office which has been dealing with the case.
2. 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.
3. If the application is not made within the 28-day time limit, such application must include a request to 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 identify the decision of the Tribunal to which it relates (ie 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.