



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

Case Reference : **LON/00AM/HMF/2021/0287**

Property : **Flat 13 Simpson House,
2 Somerford Grove, London,
N16 7TX**

Applicant : **Oscar Kohlert Moos
Sune Soegaard Hansen,
Dominic Owen Durham**

Representative : **Somerford Grove Renters**

Respondent : **Simpson House 3 Ltd**

Representative : **-**

Type of Application : **Application for a rent repayment
order by tenant - Housing and
Planning Act 2016**

Tribunal Member : **Judge Robert Latham
Steve Wheeler MCIEH CEnvH**

Venue of Hearing : **10 Alfred Place, London WC1E 7LR**

Date of Decision : **3 March 2025**

**Date of Revised
Decision** : **7 March 2025**

REVISED DECISION

The Tribunal is exercising our powers under Rule 50 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 to correct typographical errors in front page of our decision, dated 3 March 2025. The corrections are highlighted in yellow.

Decision of the Tribunal

The Tribunal dismisses this application as it was made one day out of time.

The Application

1. This is one of sixteen applications for Rent Repayment Orders (“RROs”) which have been made by tenants who resided in flats at Olympic House and Simpson House. This is on a development of some 171 flats in a set of converted warehouses. There have been significant delays in determining these applications as the Respondent company was struck off. On 1 November 2024, the company was restored by order of the court.
2. 22 November 2021, the Applicants issued this application for a rent RRO against the Respondent pursuant to section 41 of the Housing and Planning Act 2016. The application relates to Flat 13 Simpson House (“the Flat”).
3. On 23 November 2020, the Respondent applied for a licence (see the table provided by the London Borough of Hackney at p.527 of the Bundle).

The Tribunal’s Determination

4. The relevant offence on which the Applicants rely is one under section 72(1) of the Housing Act 2004. Section 72 specifies a number of offences in relation to the licencing of HMOs. The material parts provide (emphasis added):

“(1) A person commits an offence if he is a person having control of or managing an HMO which is required to be licensed under this Part (see section 61(1)) but is not so licensed.

.....

(4) In proceedings against a person for an offence under subsection (1) it is a defence that, at the material time—

(a) a notification had been duly given in respect of the house under section 62(1) (a temporary exemption notice), or

(b) an application for a licence had been duly made in respect of the house under section 63.

and that notification or application was still effective (see subsection (8)).

....

(8) For the purposes of subsection (4) a notification or application is “effective” at a particular time if at that time it has not been withdrawn, and either-

(a) the authority have not decided whether to grant a licence, in pursuance of the notification or application.

5. The application for a RRO is made pursuant to the Housing and Planning Act 2016. Section 41 deals with applications for RROs. The material parts provide:

“(1) A tenant or a local housing authority may apply to the First-tier Tribunal for a rent repayment order against a person who has committed an offence to which this Chapter applies.

(2) A tenant may apply for a rent repayment order only if –

(a) the offence relates to housing that, at the time of the offence, was let to the tenant, and

(b) the offence was committed in the period of 12 months ending with the day on which the application is made.

6. The two issues relating the computation of time were recently considered by the Upper Tribunal (Judge Elizabeth Cooke) in *Moh v Rimal Properties Limited* [2024] UKUT 324 (LC).
7. The first issue is how the phrase “in the period of 12 months ending with the day on which the application is made” is to be interpreted. This application was issued on 22 November 2021. It is necessary for the Applicants to establish that an offence was committed on 23 November 2020 (Issue 1 considered by Judge Cooke – see [40]).
8. The second issue is whether an offence is committed on the day on which the application for a licence was made. This was issue 2 considered by Judge Cooke. She held that no offence was committed on that day (see [68] – [69]). The application for a licence was made on 23 November 2020. The last date on which an offence was committed was therefore 22 November 2020. The application was therefore issued one day out of time. This Tribunal has no discretion to extend time.

**Robert Latham,
3 March 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 Tribunal 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 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 identify the decision of the Tribunal to which it relates (i.e. 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.