



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

Case References : **LON/00AK/HBA/2025/0001**

Applicant : **London Borough of Enfield**

Respondent : **Mr Mansur Duzgun
C/O Guaranteed Rent GD Limited**

Application : **Application for Banning Orders under s.16
Housing and Planning Act 2016**

Members of Tribunal : **Ms H C Bowers MRICS BSc MSc
Mr M Cairns**

**Date and Venue of
Hearing** : **3 June 2025 at 10, Alfred Place, London, WC1E
7LR**

Date of Decision : **1 September 2025**

DECISION

The Tribunal declines to make a Banning Order against the Respondent.

Hearing Arrangements:

(A) This was a face-to-face hearing at 10, Alfred Place, London, WC1E 7LR. The Tribunal was referred to a Bundle from the Applicant of 312 pages. The Respondent's Bundle was 16 pages with an Exhibits Bundle. Reference to any document in this decision in respect of the Applicant's Bundle will be set out with a prefix A with the relevant page number or with the prefix R and page number for the Respondent's Bundle and RE and page number for the Respondent's Exhibit Bundle.

Background:

1. There is an application brought by London Borough of Enfield (“Enfield”/LHA), seeking a Banning Order under section 15 of the Housing and Planning Act 2016 (“the 2016 Act”). An Order is sought to ban Mr Mansur Duzgun from letting housing in England, from engaging in property management work and from being specifically involved in Guaranteed Rent GD Limited (GRGD Ltd) in carrying out any such activity. It is proposed that the ban is for a period of two years. The Notice of Intention to apply for a Banning Order is dated 5 June 2024 [A42].
2. The application was dated 11 November 2024 and received on the same day. Directions were issued on 5 February 2025, and they set out the timetable for the parties to prepare for a hearing. The hearing was fixed for 3 June 2025.

Statutory Provisions and Guidance

3. The statutory provisions relating to Banning Orders are contained within Chapter 2 of Part 2 of the 2016 Act and, to the extent relevant, are set out in Schedule 1 to this decision.
4. In summary, a local housing authority (LHA), in this case Enfield, may apply to this Tribunal for a Banning Order against a person who has been convicted of a Banning Order offence and who was a residential landlord or a property agent at the time the offence was committed.
5. Section 14 of the 2016 Act provides that a Banning Order means an order banning a person from:
 - (a) letting housing in England;
 - (b) engaging in English letting agency work;
 - (c) engaging in English property management work; or
 - (d) doing two or more of those things.
6. Section 15 requires the LHA to give the person a notice of intended proceedings before applying for a Banning Order:
 - (a) informing the person that the authority is proposing to apply for a Banning Order and explaining why;
 - (b) stating the length of each proposed ban; and
 - (c) inviting the person to make representations within a period specified in the notice of not less than 28 days.
7. The LHA must consider any representations made during that notice period and must wait until the notice period has ended before applying for a Banning Order. Notice of intended proceedings may not be given after the end of the period of six months beginning with the day on which the person was convicted of the offence to which the notice relates.

8. Section 16 (4) provides that in deciding whether to make a Banning Order against a person, and in deciding what order to make, the Tribunal must consider:
- (a) the seriousness of the offence of which the person has been convicted;
 - (b) any previous convictions that the person has for a Banning Order offence;
 - (c) whether the person is or has at any time been included in the database of rogue landlords and property agents; and
 - (d) the likely effect of the Banning Order on the person and anyone else who may be affected by the order.
9. Section 17 provides that a ban must last at least 12 months but may contain exceptions to the ban for some or all of the period to which the ban relates. The exceptions may also be subject to conditions. In addition, a person who is subject to a Banning Order that includes a ban on letting may not make an unauthorised transfer of an estate in land to a prohibited person. Nor can a banned person hold an HMO licence or a licence under Part 3 of the Housing Act 2004 in respect of a house. In addition, an HMO licence or Part 3 licence must be revoked if a Banning Order is made against the licence holder. Interim and final management orders may be made in cases where a Banning Order has been made and a property has been let in breach of the Banning Order.
10. Section 14(3) defines a “Banning Order offence” as an offence of a description specified in regulations made by the Secretary of State. The relevant regulations are the Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018 (“the 2018 Regulations”) which sets out the Banning Order offences in the Schedule to the Regulations. The 2018 Regulations only apply to offences committed after the coming into force of the regulations, on 6th April 2018.
11. For the purposes of this application, the following offence is a Banning Order offences, unless the sentence imposed on the person convicted of the offence is an absolute discharge or a conditional discharge:
- (a) offences in relation to a failure to licence a property which should be licensed under section 95 of the Housing Act 2004.
12. The Tribunal has also had regard to the guidance from MHCLG entitled Banning Order Offences under the Housing and Planning Act 2016 - Guidance for Local Housing Authorities, published in 2018 [MHCLG Guidance].

Hearing.

13. The hearing on 3 June 2025 was attended by Mr Stephen Foster and Ms Natalie Males both are identified as Licensing Inspection Team Managers with Enfield. The Respondent, Mr Duzgun, attended with Mr Mupara of counsel.

Issues for the Tribunal

14. The issues for the Tribunal are whether the Respondent was convicted of a Banning Order offence and whether the Tribunal should exercise its discretion under section 16 of the 2016 Act to make a Banning Order and if so, what Banning Order should it make?

Preliminary Issues:

15. At the start of the hearing Mr Muprara explained that whilst he had seen a copy of the charge sheet, the Applicant had not provided the memorandum of conviction. In the context of the Tribunal's overriding objective, the Tribunal could not make a Banning Order without that document. Consequently, he sought to have the case struck out. The Applicant directed the Tribunal to the Barrister's Note of 26 January 2026 [A39] that stated that the two defendants had been convicted of section 95 offences and that the judge had commented that "*listening to Mr Duzgun's evidence had been an "irritating waste of time"*". The Applicant indicated that it would provide the memorandum of conviction as soon as possible.
16. After a brief adjournment the Tribunal decided to refuse to strike out the application. It did so as the parties could make submissions on the failure to provide the memorandum of conviction at the end of the hearing. The Tribunal directed that the document was to be provided after the hearing and that the Respondent would have the opportunity to make any further written submissions once the document was produced.
17. After the hearing the memoranda of convictions were provided, but there were no further representations on this document. The first memorandum of entries showed that for Mr Mansur Duzgun the relevant conviction at the Highbury Corner Magistrates' Court as at 29 February 2024 was:
 - a. Case Number – 2300421234 - Between 24 June 2022 and 22 July 2022 that Mr Duzgun had control of or managed a house at 217, College Close, London, N18 2XS which was required to be licensed under Part 3 of the Housing Act 2004 but was not so licensed. He pleaded not guilty but was found guilty on 26 January 2024. The fine was £1,000 with costs of £3,450.
18. The second memorandum of entries showed that for Guaranteed Rent GD Limited the relevant conviction at the Highbury Corner Magistrates' Court as at 29 February 2024 was:
 - a. Case Number – 2300421358 - Between 24 June 2022 and 22 July 2022 that Guaranteed Rent GD Limited had control of or managed a house at 217, College Close, London, N18 2XS which was required to be licensed under Part 3 of the Housing Act 2004 but was not so licensed. There was a not guilty plea but GRGD Ltd was found guilty on 26 January 2024. The fine was £1,000 with costs of £3,450.
19. There were no further written submissions from the Respondent on this document.

20. It would be useful to set out some undisputed background of Mr Duzgun's involvement with various companies as this will assist in understanding the following evidence/submissions.
21. Green House Estate Agents Limited (Green House) was incorporated on 5 November 2013 and its registered office is 9, Kendal Parade, London, N18 1ND. Mr Duzgun was appointed a director originally on 31 March 2017 and resigned on 2 June 2018 and then re-appointed on 1 November 2018 but again resigned on 31 May 2019.
22. Guaranteed Rent GD Limited (GRGD Ltd) is a company that was incorporated on 29 April 2022. The registered office is 9, Kendal Parade, London, N18 1ND. Mr Duzgun is the sole director of this company, and he was appointed on 29 April 2022.
23. It is stated that Mr Duzgun is the director and only person with significant control of IEDA Properties Limited and the registered office is 10A Aldermans Hill, Palmers Green, London, N13 4PJ. It is also stated that Mr Duzgun is the director and person with significant control of MDD Property Management Limited. However, no Company House documents have been provided for these two companies.

Applicant's Case:

24. The Applicant seeks a Banning Order for a period of two years. The Notice of Intent was served on 5 June 2024. On the same date the Applicant also served a section 19 Notice requesting details of Mr Duzgun's property portfolio when he was a director at Green House and under his current directorship of GRGD Ltd. Mr Duzgun made representations on the Notice of Intent on 17 June 2024 [A47] and responded to the section 19 request on 14 June 2024 [A48]. Enfield considered the representations and responded to them on 8 November 2024 [A50].
25. It is stated that Mr Duzgun was a director of GRGD Ltd and had previously been a director of Green House and that he had a checkered history with compliance with the Housing Act 2004 (the 2004 Act). He was not proactive in his management of his significant portfolio and has only engaged after there has been some request/intervention from the LHA. It is claimed that there are breaches and management issues regarding the number of occupants in properties, lack of appropriate safety precautions, anti-social behaviour of occupants including fly-tipping, a property was used as a cannabis factory, questions about tenants' referencing and that there are no regular inspections. It is said that these complaints are indicative of poor management. Enfield state that Banning Orders should be aimed at those renting out and managing substandard accommodation and those that flout their legal obligations. It is stated that Mr Duzgun has not provided any evidence to suggest that he has improved his property management practices. Enfield confirmed that there was no supporting evidence in respect of the nuisance issues and whether these were addressed to the occupiers or to Mr Duzgun.
26. The ban of two years was sought to reflect Enfield's scoring matrix, that took account of the section 16 factors. Reference was made to Enfield's Banning Order Matrix [A83] and the Private Rented Sector Housing Enforcement Policy [A281]. This showed that a score of 31-40 was allocated to Mr Duzgun and from their table this would suggest a ban between 13 to 24 months. A score of 10 was given for the seriousness of the offence,

but it should be noted that a score of 5 would have been given even if there had been an absolute or conditional discharge. A score of 5 was given in respect of harm caused to the tenant (*“namely no harm caused to the tenant in the property in a reasonable condition”*). A score of 10 was given in respect of previous convictions/rogue landlord database (*previous enforcement history but no convictions or civil penalties*). A score of 10 was given for deterrence and prevention (*A 1-2 year banning order will be enough to deter repeat offending and act as a deterrent to others and there has been some cooperation from the offender and an acceptance of responsibility*).

27. In the statement of case and other places in the Bundle, Enfield set out its position in respect of a number of properties and these are summarised in the following paragraphs. There are also witness statements from Ms Natalie Males a Licencing Inspection Team Manager dated 16 December 2022 [A149]; one dated 18 August 2023 [A252] and one dated 15 November 2023 [A276].

28. Mr Foster explained that Mr Duzgun had been the freehold owner of a First Floor Flat at 112 High Street and following LHA visits on 26 July and 14 August 2024, a selective licence application was submitted by GRGD Ltd on 14 August 2024. There was no proactive engagement from Mr Duzgun and the application was only made after the involvement of the LHA. The licence application failed to declare Mr Duzgun’s conviction.

29. It was stated that Mr Duzgun is not a proactive manager, and he has control of properties that were in poor condition with a number of category 1 hazards. In respect of the Upper Floor Flat at 137 Victoria Road, it was explained that he was the manager of a House in Multiple Occupation [HMO] and he only submitted a HMO licence application after a LHA inspection. This is a property that had a pub on the ground floor, the pub manager and his family occupied accommodation on the second floor and there were 4-5 occupiers of the four rooms on the first floor. It is said that there were breaches of the HMO Regulations including the duty to provide information to the occupiers; the duty to take safety measures; the duty to maintain common parts, fixtures, fittings and appliances and the duty to maintain living accommodation. The findings of the first inspection were set out in an email to Mr Duzgun on 18 March 2022 and updated once a further inspection was carried out on 26 April 2022 in an email dated 6 May 2022. It was stated that the various breaches of the HMO Regulations which were offences were that the management contact details were not provided at the property; missing self-closing devices on the fire doors; the loft hatch was not fire boarded to the required minimum of 30 minutes; provision of evidence that various partitions have the necessary 30 minute fire protection; that fire doors on the ground floor connecting to a commercial unit should be 60 minute fire doors and evidence is required that door between the primary escape route lobby and the bar area is a 60 minute fire door; that the fuse boxes are not encased appropriately; making good of plasterwork around the boiler located on the fire escape route; provision of a satisfactory fire alarm testing certificate provision of a satisfactory emergency lighting certificate; provision of additional final fire exit signage; only partial floor covering in the first floor bathroom; defective sealant in the first floor bathroom; various holes in the first floor bathroom; gaps in the floorboards on the second floor; dampness in the ground floor entrance areas; no wash hand basin in the toilet located on the first floor; the kitchen extractor fan needs to be re-located so that it is over the cooker; the stair case handrail between the ground and first floor is loose and unsecure; the first floor,

kitchen window is cracked; there is evidence of water penetration and dampness noted in the second floor front left bedroom; no fixed heating in the first floor front left bedroom; mould on the first-floor, front, middle bedroom; defective sockets in the first floor, front, middle and rear bedrooms and two window restrictors missing for windows on the second floor. No enforcement action was taken by Enfield as the Legal Services department did not submit the summons on time. In due course the HMO application was withdrawn as Mr Duzgun had a certificate of lawfulness as it was his intention to use the property as an Airbnb.

30. It was explained that an HMO licence application was made by Green House in respect of 306 Nightingale Road in July 2021 and Enfield inspected in August 2021. That inspection identified a number of fire precaution and disrepair issues and overcrowding including the use of the conservatory as sleeping accommodation and a box room of 4.4m² being used as a bedroom **[A105]**. An HMO Regulations letter was sent to Green House in September 2021 setting out various breaches of the Regulations **[A96]**. A further inspection in November 2021 confirmed that only 2 of 19 breaches had been remedied. There were further inspections in 2022 which identified severe overcrowding and a letter was sent to GRGD Ltd and the freeholder on 2 August 2022 **[A108]** with a schedule of various breaches of HMO Regulations and a similar letter was sent 2 August 2023 **[A121]**. The schedule to the 2 August 2023 letter identified the following breaches; the manager's details are not up to-date as the company name and email has changed; there is no interlinked smoke detection in the conservatory room; some of the smoke seals and intumescent strips have been painted over, which will compromise them; some of the hydraulically operated self-closing fire doors to the kitchens and bedrooms are not self-closing and latched; there is a single bed in the conservatory and it cannot be used as a bedroom; the conservatory is divided into two sections with inadequate 30 minute fire separation only covering the middle section and one part is used as a bedroom and the other part is used as a kitchen; there are holes in the conservatory roof where the bed is located and there is a lack of fire separation; the pen drainage in the conservatory and extension cables are too close to water sources; there is severe overcrowding with 16 people from 4 households; the ceiling to the kitchen and ground floor hallway is substandard and has cosmetic damage from a previous leak; the stairs are dilapidated and have no grip on steps to prevent falls; there is no window restrictor on the first floor bathroom window; there is refuse in the front garden and there is a lack of ventilation to the whole of the ground floor middle bedroom, the only window is into the conservatory and this is a small top hung window. It is stated that the works are to be completed by 23 August 2023. There was an inspection on 31 July 2023 and the notes are brief but suggests that works are still outstanding **[A129]**.
31. An HMO licence was granted for 306 Nightingale Road on 28 December 2022 with GRGD Ltd as the manager allowing the property to be occupied by 6 persons in three households but an inspection on 13 July 2023 confirmed that there had been no further progresses and it was noted that there were 16 people in four households. It is stated that the freeholder contacted Enfield to say that he was not happy with GRGD Ltd and wanted to stop working with them and he wanted the house to return to occupation by a single household. Mr Duzgun has confirmed that he is still managing this property. No enforcement action has been taken and the property is subject to a further inspection.

32. In respect of 217 College Road, Green House applied for a selective licence on 11 July 2022 but only after Enfield had written to GRGD Ltd and given timescales to apply had passed. In her witness statement of 16 December 2022, Ms Males stated that she received an email from GRGD Ltd stating it was managing the property. There was a 7-day and a 14-day reminder letter **[A172, A175]** to Green House and letters on 27 May 2022 – but dated 27 March 2022 and 16 June 2022 to Mr Duzgun and GRGD Ltd and **[A205 and A235]**. It is said that there was a period of 21 days as well as the offence period of 18 days when the property had no licence. There was an email exchange between Enfield and GRGD Ltd at the end of June and beginning of July 2022 **[A237]** about the making of the application. The application was made on 11 July 2022. Mr Duzgun, GRGD Ltd and Green House were all prosecuted under section 95(1) of the 2004 Act. Following an inspection in 2024, category 1 and category 2 hazards were observed and the potential for harm was considered to be significant. There is an email dated 16 October 2024 giving general details of those issues **[A93]**. No enforcement action has been taken at present, but matters are still on-going. Enfield's position is that a section 95 offence is a Banning Order offence and is therefore serious and account should be taken of that.
33. Ms Males' witness statements of 18 August and 15 November 2023 deals with Ms S Asenova occupation of 217 College Close in 2022 and disputing the claims made by Mr Duzgun and set out below. These seem to be a response to a statement made by Mr Duzgun at **[A254]**. That statement explains that Mr Duzgun was a previous director of Green House, but he resigned on 31 May 2019 and was offered a role as a consultant in Green House. Green House financially collapsed due to Covid and Mr Duzgun set up GRGD Ltd and took over the Green House portfolio including 217 College Close between 28 April and 19 May 2022. Following a joint inspection by Green House and GRGD Ltd in April 2022 it is stated that 217 College Close was being squatted and that Ms Asenova was not in occupation and following a phone call she returned the property keys. In April GRGD Ltd tried to clarify with Enfield whether a selective licence was still required. There was correspondence in May and June 2022 with Ms Males regarding the extent of the portfolio taken over by GRGD Ltd. It was acknowledged that the section 16 Notice (as mentioned in paragraph 52 below) was incorrectly completed, but that Ms Males must have understood the context of dealing with GRGD Ltd. It was explained that the application for licensing was delayed due to a missing gas certificate and EPC. The squatters left in October 2022 and the property was re-decorated and re-let.
34. A selective licence application was submitted in respect of 32 Kimberley Road on 24 March 2022 after letters had been sent to Green House and IEDA Properties Limited. A licence was granted with IEDA Limited as the managing agent. There has been an inspection, and it is suspected that the property is being used as an HMO in breach of the selective licence and that there are items of works/disrepair that need to be addressed. A schedule of works was provided **[A134]**. But that document does not identify to whom the schedule of works was addressed nor the purpose of the schedule of works. No-one has re-inspected, and the case is on-going. It is also noted that IEDA Limited is the licence holder and property manager for 10 Granville Avenue. The application for a licence was made one day after a letter was sent by Enfield.
35. Enfield state that there are three properties which had previously been managed by Green House and were not taken over by GRGD Ltd and these were 9B Kendal Parade

– where Enfield had written to Green House, GRGD Ltd and Mr Duzgun, a selective licence was granted to Green House; 25 Bromley Road, which is located in a selective licensing area and does not have a selective licence and 12 The Hatch for which Green House holds a selective licence. It is said that Mr Duzgun has not responded to an enquiry regarding the current status of Green House.

36. In respect of 41 Marsden Road, 24 College Gardens, 28 Mapleton Crescent, 48 Ferndale Road 14 Dendridge Close, 145 Middleham Road, 53 Winchester Road and 97 Bulwer Road the relevant licence is held by Green House but Mr Duzgun has confirmed that GRGD Ltd manages these properties but there has been no notification of a change of manager for licensing purposes. It is stated that in respect of 145 Middleham Road that there were issues of noise nuisance in 2021 and 2022 and that in 2024 the occupier was witnessed fly tipping, and this is under investigation. In respect of 28, Mapleton Crescent it was said that there were historic problems with the use of the property. There is no indication that those problems have continued. In December 2022 the police found that there was evidence that 53 Winchester Road was used as a cannabis farm [A95].
37. In 2018 Green House was the managing agent of 8 Masons Road Green House when this was an HMO. They were granted a licence in May 2019. A Prohibition Order was made to prohibit the use of ground floor accommodation and a Hazard Awareness Notice was served regarding Category 2 hazards. A complaint was made in December 2021 and the inspection identified a rodent infestation. A licence reminder was sent to Mr Duzgun in February 2024 but the application was only received in May 2024.
38. In respect of 187 Cuckoo Hall Lane one day after a letter from Enfield, GRGD Ltd applied for a licence that was then granted in January 2025. It is said there are fly tipping problems with this property.
39. GRGD Ltd applied for a Temporary Exemption Notices (TEN) in May 2023 for 52, 54 and 56 Sandhurst Road after prompts from Enfield. Further TEN applications were made as it was said the properties were still in probate, but these were refused due to the six-month maximum period having been reached. A selective licence was granted to GDGR Limited in April 2024 for 56 and 52 and is still being processed for 54. It is said that the tenant at 56 was sent a warning letter following the condition of the front garden. That there were reports of accumulated waste at 54 and there was burning of waste at 54 and that this seems to be in connection with the clearance and refurbishment of the property rather than tenant behaviour.
40. GRGD Ltd applied for a selective license in May 2024 for 107 Winchester Road, without any prompting from Enfield and a license was granted in August 2024.
41. At 75 Mapleton Crescent a selective licence was granted to the landlord without any prompting. It has been confirmed that GRGD Ltd now manages the property, but there has been no notification of a change of manager for licensing purposes. It is said that there has been a history of noise nuisance, littering and fly-tipping complaints and burning of waste since 2019.

42. Green House was prosecuted of an offence under section 95 of the 2004 Act in relation to 55 Lancaster Road. A selective licence was granted to Green House in April 2024. It is said that Mr Duzgun has confirmed that he no longer manages the property.
43. A selective licence was granted in February 2025 for 56 South Road to a different managing agent. It is said that Mr Duzgun has confirmed that he no longer manages the property.
44. The Applicant sets out the history in relation to disrepair at 39 Kings Road. Green House submitted a licence application in 2022 and there were various complaints about Green House. A selective licence was granted in July 2024 but neither Green House nor GRGD Ltd are the manager. Mr Duzgun has confirmed that he is no longer manager of the property. A schedule of works [A131] was sent to the landlord in June 2024.
45. Regarding 63 Brettenham Road it is said the GRGD Ltd applied and was granted a selective licence only after a letter from Enfield. Mr Duzgun has confirmed that he is no longer the manager and the licence has now been altered to reflect the new manager.
46. Mr Duzgun applied for a selective licence for 10 Middleham Gardens but there was a request to cancel the application as the tenant was evicted and the landlord chose not to rent out the property.
47. Green House was identified as the managing agent on an HMO licence application in July 2018 for 22 Greenwood Gardens. A Prohibition Order was made in May 2018. A further HMO Licence application was submitted by GRGD Ltd in November 2023 after Enfield had sent a reminder in July 2023. There were complaints about rubbish being dumped and that was said to be due to the turnover of occupiers. Green House did not deal with the complaints but responded once Enfield had contacted it. An inspection was made in December 2024 which identified that the fire detection system needed upgrading and some work was needed to the fire doors. An HMO licence was granted in March 2025 with GRGD Ltd as the manager.
48. At 14 Scarborough Road a selective licence was granted to GRGD Ltd in February 2024. Complaints were received about rubbish in the rear garden this was reported to GRGD Ltd, and the problem was resolved but there have been further complaints in September 2024.
49. It is claimed that from 2020 there was a history of some concerns regarding 7 Winton Close. Green House applied for a selective licence in June 2021 following correspondence from Enfield. In October 2024 an application was made by the landlord for an HMO Licence and that suggests that GRGD Ltd was not the manager.
50. In respect of 11 Durants Road, a selective licence was granted in February 2024 to the landlord, but no managing agent was identified. In July 2024, following a complaint about overcrowding that did not appear to have been established, a tenancy agreement was seen that indicated that GRGD Ltd was the managing agent. At an inspection, it was observed that there were no smoke or heat detectors and the kitchen floor had partially collapsed. In an email in October 2024 Enfield acknowledged that repair works were being carried out but more works were required and these have been

specified **[A147]**. Enfield stated that this is an example of Mr Duzgun only commencing works once Enfield had intervened.

51. Details about other properties are set out in a document titled Enfield Council interventions **[A53]**. A question is raised about 86 Cheddington Road where an application for a selective licence made by Green House in 2021 was withdrawn. For 2A Kendal Parade, there have been various complaints and in June 2022 a selective licence application was made by Green House. Enfield state that Mr Duzgun's position is that he is no longer the manager of this property and Enfield's position is that Green House will need to be removed from the licence as the managing agent. A question is raised whether Green House is still the manager of 40 Kingsfield Drive. In respect of 187 Cuckoo Hall Lane it is stated that an application made in March 2022 for a selective licence made by Green House has not been processed as the fit and proper person declaration has not been signed. In the document Enfield ask if Mr Duzgun has any management interest at 55 Titchfield Road. A selective licence was granted to GRGD Ltd for 123 Turkey Road in December 2023 and a question is asked whether Mr Duzgun manages this property.
52. Ms Males states in her witness statement that on 15 June 2022 Enfield sent a notice to GRGD Ltd and to Mr Duzgun via GRGD Ltd requiring prescribed information under section 16 of the Local Government (Misc Provisions) Act 1976 **[A209]** in relation to 217 College Close. It is Enfield's position that although GRGD Ltd have responded **[A222]** the agent's details were not provided. Ms Males queried which agency was managing the property **[A224]** and to date there has been no response.
53. It was Enfield's opinion that it had decided to proceed with an application for a Banning Order because of its previous involvement with Mr Duzgun and to act as a deterrence to others. It was explained that Enfield do not benchmarking against other Local Authorities. The seriousness of the offence was based on the matrix score and the MCHLG Guidance that in its opinion the current offence is the most serious of offences. Enfield has only applied for a Banning Order against Mr Duzgun as GRGD Ltd could remain trading with someone else in control and that would ensure all employees are protected.
54. In response to questions, it was confirmed that if Green House is the licence holder, then, for a change of manager a new licence application would need to be made and that would be £738 per application.
55. It was acknowledged that Mr Duzgun had no previous convictions and that whilst Mr Duzgun is on the Rogue Landlord and Property Agent checker **[A279]** he will come off the database in February 2026.
56. Ms Males explained that Green House had been fined £35,000 on 24 November 2022 and this was recorded in a newspaper article **[A40]**. It was accepted that Mr Duzgun was not a director of that company. Ms Males explained that it is Enfield's position that Green House changed to become GRGD Ltd. With regards to Mr Duzgun's involvement with Green House post 1 June 2019, it is Enfield's position that he still had a management role and refence is made to an email from Green House dated 7 March 2022 but signed off by Mr Duzgun **[A267]** and was involved with 306 Nightingale Road.

57. Enfield stated that there had been intervention from the LHA and not only the Private Rented Sector Housing Team but with other LHA departments, but it was acknowledged that there was no evidence in support of that position.

58. No draft Banning Order has been provided by the Applicant.

Respondent's Case

59. Mr Mupara accepts that a Notice of Intention was served on Mr Duzgun and takes no issue with that part of the process. Mr Duzgun does not deny the criminal conviction, but it is submitted that the Applicant has not provided the appropriate evidence of the conviction. It is accepted that Mr Duzgun is a property agent and indeed he was a property agent in relation to 217 College Close.

60. In respect of the factors to be considered under section 16 of the 2016 Act, the first matter is the seriousness of the offence. In this case there was only one charge against Mr Duzgun and the same charge against GRGD Ltd. The offence related to 217 College Close and the period of the offence was only from 24 June to 12 July 2022 – it was commented that this was only 18 days. In respect of Enfield's comments about what the judge had said in the Magistrates' Court, Mr Duzgun stated that he was unrepresented and had not previously been to court. Mr Duzgun also comments that the Judge commented that Enfield were being very harsh and were going overboard in their actions.

61. Mr Duzgun submitted that he was not a property agent or landlord in relation to the Green House conviction as he was not a director of Green House at that time. This was three years after Mr Duzgun had left the business. It was explained that he sold the Green House business and then bought it back, but his final involvement with the company was on 31 May 2019. He acknowledged that he was a director of Green House between 31 March 2017 and 2 June 2018 and between 1 November 2018 and 31 May 2019. It was submitted that the Tribunal must disregard the Green House conviction as this related to a different company. In response to the point of the email written from the Green House email address but with Mr Duzgun's sign off [A267] it was stated that he was working as a consultant. The definition of property manager under section 55(2) of the 2016 Act is limited so that "*But a person is not a property manager for the purposes of this Part if the person engages in English property management work in the course of that person's employment under a contract of employment.*" As Mr Duzgun was working for the business he was not an owner of Green House. It is claimed that Enfield failed to update their records and that they continued to address Mr Duzgun when they were writing to Green House. The application has only been made against Mr Duzgun and Enfield have not pursued Green House nor GRGD Ltd.

62. In a statement made to Enfield [RE9] Mr Duzgun set out his position and stated that GRGD Ltd commenced the takeover of the Green House portfolio on 29 April 2022, and this was completed on 19 May 2022 and that an email had been sent to Enfield to confirm the change of the managing agent. Mr Duzgun explained that there was a time lag of about 5 -6 months when he took over the Green House portfolio. Some landlords withdrew from using Green House. Mr Duzgun acknowledged that due to the slow handover from Green House that selective licence applications were made after

receiving reminder letters from Enfield. He does not consider that he is a rogue landlord. The London Boroughs of Enfield and Haringey have inspected several of the properties that he manages and have found no issues.

63. Mr Duzgun addressed other issues raised by Enfield. He states that 25 Bromley Road was taken back by the landlord before March 2017 when he became a director of Green House. In respect of 9B Kendal Parade and 12 The Hatch, these were only managed properties, whereby Mr Duzgun found tenants and the landlords' name should have been on the licence. At 41 Marsden Road the landlord is the licence-holder, and the property was managed by GDGR but was handed back to the landlord after the compliance visit. It was acknowledged that Mr Duzgun via GRGD Ltd had not changed the managing agent's details on the licence for 24 College Gardens, as the landlord was not willing to pay the £735 fee which is said to be unreasonable. It is said that Enfield have been inconsistent in changing the name of the managing agents on the licence with an officer change the name for 217 College Close without the need for a new application **[RE20]**. But on other occasions Enfield has advised that the licence has been cancelled and a new application needs to be submitted.
64. The LHA inspected 28 Mapleton Crescent on 18 February 2021 found that it was in satisfactory condition, but with one undersized room being used as a bedroom without permission. This is denied by Mr Duzgun. The property has been managed by the landlord since January 2025. The landlord has also taken back the management of 8 Masons Road in December 2024. Mr Duzgun cannot comment about Green House as it is not his company. 8 Masons Road is used as a single-family property and the landlord is liaising with Enfield regarding an HMO licence and planning permission for the property **[RE21]**. In respect of the fly-tipping at 187 Cuckoo Hall Lane, it is stated that GRGD Ltd was not the managing agent between January to April 2021. That GRGD Ltd provide information to all tenant about waste disposal and that Enfield should have pursued the tenants on this issue. It is accepted that a selective licence application was completed after a reminder was sent to the landlord. 48 Ferndale Road was handed back to the landlord on 24 September 2024. It is accepted that there has been no application has been made to change the managing agent for 14 Dendridge Close. GRGD Ltd was not the managing agent of 145 Middleham Road at the time of the October 2021 noise complaint and in May 2022 it was not informed of and noise incident. GRGD Ltd was unaware of the rubbish problems and the LHA should have taken action. Such issues are not picked up on routine property inspections.
65. The agent noted on the licence for 53 Winchester Road is Green House and the landlord is the licence-holder. Green House had placed tenants at the property in 2021. GGGD Ltd asked Enfield about changing the managing agents details but were told that had to be done by the landlord **[RE27]**. At a joint inspection in August 2022 between Green House and GRGD Ltd there was no cause for concern. and when he inspected in August 2022 there was no evidence that there was a cannabis factory. The police found that the property was used to grow drugs on 2 December 2022.
66. Following the death of the landlord a TEN was granted on 23 May 2023 for each of 52, 54 and 56 Sandhurst Road. As probate had not been completed a further extension had been requested, but this was refused. There was rubbish at the properties as a result of them being refurbished but this was collected within 2-3 days. A new licence application has been submitted and is being processed.

67. GRGD Ltd managed 75 Mapleton from 1 November 2022 and has never been informed by the LHA of any dumped rubbish. Previously the property was let to Green House as the tenant for 1 year from 8 August 2021. There is seemingly contradictory tenancy agreement at **[RE47]** that shows Green House as the tenant of 75 Mapleton Crescent for a period of three years but is signed by Mr Duzgun 'on behalf of Agents' and notes the name GRGD Ltd **[RE54]**.
68. In relation to 306 Nightingale Road, it is claimed that Enfield was erratic in their approach as there was direct communication with GRGD Ltd and then that stopped, and communication was directly with the landlord. Enfield inspected in July 2022 and the last email correspondence was July 2023. It is stated all issues are resolved and the previous tenants, who caused the overcrowding, are now evicted. A new family has moved in. There is email correspondence between GRGD Ltd and Enfield in July 2022 **[RE56]** whereby Enfield advised that works are required and there is a response to state that the landlord will engage with the works and asking for the landlord to be named as the licence-holder. There is an email from Enfield on 14 July 2023 setting out various breaches of the HMO Regulations including that there was an incorrect notification of the manager's details at the property and that there was overcrowding. There is a response from GRGD Ltd on the same day to say the manager's details had been provided but that they will be put up again that date and that it will visit the property to investigate the overcrowding and on investigating that two of the households had brought guests to the house but that they were due to leave that weekend and there would be a follow up inspection. Mr Duzgun had taken over the management in November 2022 and the problems in Nightingale Road occurred in 2021 and had nothing to do with him.
69. GRGD Ltd ceased management of 55 Lancaster Road in April 2024 and that the previous allegations occurred when Mr Duzgun was not a director of Green House. The landlord had been managing 39 Kings Road and that GRGD Ltd would take over management once the rent arrears had been resolved.
70. GRGD Ltd had taken over the management of 63 Brettenham Road in November 2022 but could not make an online application for a licence as this had already been commenced by the landlord and the LHA had been informed **[RE63]**. There was an email notification to Enfield on 3 May 2024 that GRGD Ltd no longer managed 63, Brettenham Road, 123 Turkey Street, 39 Kings Road, 7 Winton Close and 55 Lancaster Road **[RE66]**. For 97 Bulwer Road, the landlord was the licence-holder **[RE67]**. This shows the managing agent as Green House. It is said that in respect of 56 South Road and 7 Winton Close that GRGD Ltd only provided a tenant finding service.
71. 22 Greenwood Gardens is an HMO and that there are documents and emails about this property at **[RE68]** and onwards. It is claimed that there is a small room on the first floor that Enfield would have seen was used for storage. It is stated that the property is not overcrowded, and the tenants have been there for at least three years. GRGD Ltd made the licence application as the landlords were elderly and vulnerable. The application was made late as the landlords had considered selling the property. A fridge freezer was dumped by one of the tenants in the front garden and was removed by the tenant very shortly after Enfield had photographed the item **[RE68]**. The black rubbish bags noted on 30 July were garden waste and they were removed the following week.

GRGD Ltd were verbally advised that the fire alarm system would need to be ungraded and there would be some adjustments to some doors required. But there has still been no report from the officer. However, it is said that the works were undertaken, and another officer inspected, and a licence has now been issued [RE70].

72. It is claimed that the tenants at 14 Scarborough Road had contaminated some recycling bins and the LA would not take them. GRGD Ltd arranged for the bins to be emptied so that normal collections could restart. Tenants are informed of the waste management provisions.
73. There is a schedule of works for 32 Kimberly Road [A134] but it gives no indication as to what the works relate, such as a Hazard Awareness Notice or an Improvement Notice. Also, there is no named recipient of the schedule. It is stated that GRGD Ltd never managed the property and that at the first LHA inspection there was a mother and son and his family and a further son and family who were visiting. At the second inspection the visiting family were not present. Therefore, the property is not an HMO. Smoke detectors were present but were broken by the tenants. The smoke and heat detectors and carbon monoxide alarms were replaced after the first visit and photographs were sent to the LHA by WhatsApp. The remainder of the works were completed, and photographs were sent to the Applicant.
74. It is stated that 11, Durrants Road was managed by GRGD Ltd from 14 September 2023. There was a complaint about overcrowding. But following an inspection the investigating officer found that all ten children belonged to the couple who lived there. When the property was let on 18 September 2023 there was not any disrepair and that was why the property let so quickly. An inspection in April 2024 showed that there was some damage by the tenant. It is claimed the damage to the carpet was due to the tenants' misuse. The tenant had told the investigating officer that he had removed the alarms and batteries. Within 24 hours the alarms were replaced with an integrated fire alarm system. All the works for the property have been completed and GRGD Ltd paid for those works.
75. It was submitted that in relation to 217 College Close there had been some problems with squatters. In September 2021 the property was managed by Green House and at that time Mr Duzgun was not in control. Mr Mupara alluded to the difference in the level of the fines incurred by Green House in 2022 that was £35,000 and the level of fine levied on Mr Duzgun which was £1,000 for the section 95 offence and the same level of fine against GRGD Ltd. This is the lowest possible fine and reflects the very short period of the breach. Enfield's matrix [A83] is said to be confusing. Mr Duzgun has no other convictions. Whilst Mr Duzgun is on the database of rogue landlords and property agents for the current 'index offence', he will come off this database in February 2026.
76. There were no representations made by the Respondent in relation to 10, Granville Avenue, 107, Winchester Road or 10, Middleham Gardens.
77. Considering the impact that a Banning Order would have on Mr Duzgun, it is said that he has been a property manager for several years and he has no other qualifications. He is single but has five children, four of whom are minors. He pays £450 in child support and his eldest child is at university. A Banning Order would have a significant

impact on his livelihood. It is conceded that there is no evidence in respect of this position. He has no qualifications in property management but mentioned a HMO certificate but acknowledges that he is not a HMO Officer and is not a member of any professional organisation nor does he have a redress scheme. He keeps up-to-date by legal updates. He manages 95 properties, of which about 50 are in the London Borough of Enfield and has about 50 licenses from Enfield. He owns three properties. He has a mix of HMOs and selective licensing properties some commercial units. GRGD Ltd has 2 full time and four part time employees. Mr Foster commented that there was no mention in the response to the Notice of Intention [A47] of any employees in GRGD Ltd no problems of any hardship or his situation in relation to children. It was Enfield's position that GRGD Ltd could continue with property management under new management so that employees could be retained.

78. Mr Foster asked Mr Duzgun about 50 properties he manages in the Enfield area but in the response to the section 19 request dated 14 June 2024 Mr Duzgun lists 26 properties and therefore he wonders about the rest of the properties. Mr Duzgun explained that the information was correct in June 2024 but since then there have been another 10 residential properties and 20/22 commercial premises.
79. As to the Mr Duzgun's statement that he has an HMO qualification, Mr Foster asked about the HMO breaches at 137 Victoria Road. Mr Duzgun stated that the property was let as a whole and the manager is resident at the property and is let out as a Airbnb.
80. The issues in relation to 217 College Close are on-going and the investigations have not concluded, so there may be no action taken against Mr Duzgun. Likewise in respect of 32 Kimberley Road there are on-going investigations, and the Tribunal should not make adverse findings when matters are not concluded.
81. In respect of the allegation that a false declaration had been made on an application for the First Floor Flat at 112 High Street, it was stated that no evidence has been provided and it would be improper for the Tribunal to make such a finding without the evidence. It is Mr Duzgun's position that the application form had been completed by a member of staff and indeed his sister had identified the problem, and this was rectified by email but that these documents are not in the Bundle.
82. In respect of the history of 137 Victoria Road it was explained that the whole property is let out and when this was first acquired by GRGD Ltd, Mr Duzgun had sought to change the use to an Airbnb but this had not been granted. There is a pub on the ground floor and the manager lives at the property and occupies the top floor and the manager uses the rest of the property as an Airbnb/HMO. There is no evidence from the LHA and no enforcement action has been taken.
83. In respect of the circumstances about 217 College Close it was said that the property had been licensed in 2022. There was a visit by the LHA in 2024 and the property was being refurbished. Mr Duzgun's position was that most of the family had left the property and returned to the property to collect clothing. It was speculation on Enfield's part that the pregnant lady remained at the property because of coercive control. It was said that she had refused to leave the property and GRGD Ltd asked for assistance from the LHA and that a council officer assisted them and the tenant left the property to live with her family but returned once the works were complete. On further LHA

inspections it was clear that no-one was living at the property. There have been no action/fines in respect of this incident. From October 2024 there has been no evidence of any breaches. A timeline of contact with Davina Whittle of Enfield was provided [RE13]. There is an email dated 12 March 2025 from GRGD Ltd and Enfield [RE10] and this provided an explanation that the urgent works such as the fire alarm works were completed on 15 October 2024 and that the non-urgent works were completed a short while afterwards.

84. Mr Mupara referred to the decision in Knapp v Bristol City [2023] UKUT 118 (LC) in relation to the issue of seriousness. There is no proposition that any Banning Order offence, irrespective of seriousness would lead to a Banning Order. Enfield has selected the wrong case to set any example to other landlord and property managers.

Discussion and Determination:

85. Before a Tribunal makes a Banning Order, it must be satisfied that a number of conditions have been met. Those conditions are:

- a. that the Respondent has been convicted of a banning order offence;
- b. that the Respondent is a 'residential landlord' or a 'property agent' at the time the offence was committed; and
- c. that the Local Housing Authority has complied with Section 15 of 2016 Act, this required:
 - i. give the Respondent a notice of intended proceedings that the LHA proposes to apply for a banning Order and the reasons why;
 - ii. inform the Respondent of the proposed length of the proposed ban;
 - iii. invite the Respondent to make representations within a period, being not less than 28 days;
 - iv. the LHA to consider any representations made under iii above;
 - v. the LHA to wait until the period detailed in iii before applying for a Banning Order and
 - vi. that the notice of intended proceedings under i, may not be given after the end of six months beginning with the day on which the Respondent was convicted of the offence to which the notice applies.

86. The Tribunal finds that the conviction from 26 January 2024 in relation to 217, College Close, London, N18 2XS was a Banning Order offence as prescribed by the Housing and Planning Act 2016 (Banning Order Offences) Regulations (SI2018/216). Namely section 95 of the Housing Act 2004 – which required a property to be licensed under Part 3 of the Housing Act 2004 but was not so licensed. We would comment that the failure to identify the subject property and to provide the necessary memorandum of conviction has lost some time and has caused some frustration in this case. In future LHAs should take note that such matters should be provided with the application so that any future respondent fully understands the case that they are facing.

87. The Tribunal finds that Mr Duzgun is a property agent dealing with residential properties. The Respondent has not raised any points of objection on this issue. It is very clear from Mr Duzgun's submissions and his evidence that he manages residential properties.

88. The Tribunal accepts the evidence that Enfield has complied with section 15 of the 2016 Act. The relevant Notice [A42] was served on 5 June 2024, and this was given within six months beginning with the day on which Mr Duzgun was convicted of the relevant offence, namely within six months from 26 January 2024. The Notice informed Mr Duzgun that Enfield intended to apply for a Banning Order and explained why. It also stated that the period sought for the Banning Order was two years and invited the Respondent to make representations within a period, being not less than 28 days. The application to the Tribunal, was made after this date (made 11 November 2024).
89. Paragraph 3.3 of the MHCLG Guidance addresses the factors that a LHA should consider when deciding whether to apply for a Banning Order, and when deciding on the proposed duration of any order. The statutory requirements in s.16(4) are listed and in relation to section 16(4)(d) when considering the likely effect of an Order on the person who is to be the subject of the order, and anyone else that may be affected by it, regard should be had to:
- (a) harm caused to the tenant;
 - (b) punishment of the offender;
 - (c) deterring the offender from repeating the offence; and
 - (d) deterring others from committing similar offences.
90. S16(4) sets out the factors which we **must** take into account. However, we do not consider this is an exclusive list and we consider that the Tribunal may take other factors into account. In particular the Guidance is not binding but the Tribunal may take it into account and indeed the Tribunal generally attaches significant weight to its contents. Paragraph 1.7 of the Guidance states that Banning Orders are aimed at *“Rogue landlords who flout their legal obligations and rent out accommodation which is substandard. We expect banning orders to be used for the most serious offenders”*.
91. Under 16(4)(a) the seriousness of the offence of which the person has been convicted must be considered. The MHCLG Guidance sets out in many places that Banning Orders are for the most serious offenders. The fine of £1,000 imposed on Mr Duzgun and a similar fine given to GRGD Ltd are at the lower end of the scale of fines. The offences were for the failure to license a house under the selective licensing scheme of the 2004 Act and we note that the period of the offence was 18 days, although we accept that this period could be slightly longer given the letters sent by Enfield. We find that this is a serious offence. However, from our specialist tribunal knowledge and experience and because of the level of the fine and the nature of the offences we do not find that it is the most serious type of offence in terms of potential harm to residential occupiers when we are considering whether or not to make a Banning Order.
92. In this case Enfield has designed and adopted its own matrix scoring system to assess whether it should apply for a Banning Order. This has been produced in response to the MHCLG Guidance and helps with the LHA’s decision making process in apply for a Banning Order. However, in contrast to Civil Penalty Notice, where a LHA is the decision-maker, with rights of appeal to the Tribunal, it is the Tribunal who makes the decision whether or not to make a Banning Order. We find that we are not bound by a

matrix produced by a LHA. However, we would comment that in producing their matrix, Enfield has applied a score of 5 for the seriousness of an offence, even if there was an absolute or conditional discharge. This strikes us as being peculiar and maybe an indication of Enfield's attitude.

93. In relation to section 16(4)(b) we should consider any previous convictions that Mr Duzgun has for Banning Order offences. There is no evidence that Mr Duzgun has had any previous convictions.
94. With regard to section 16(4) (c), Mr Duzgun is on the Rogue Landlord and Property Agent checker **[A279]** because of the current, index offence. He will come off the database in February 2026.
95. By section 16(4)(d) we must consider the impact of any Banning Order on the Respondent and upon anyone else who may be affected by the Order.
96. The potential deterrent and punishment effect on the Respondent and the deterrent effect on other landlords/agents are factors that should be considered. We certainly consider that Mr Duzgun has some room to improve his management practices and ensure a more pro-active management methodology so that the properties he manages are properly licensed and maintained to a suitable standard. We hope that the bringing of this application and the potential consequences of such an application will act as a salutary reminder to Mr Duzgun. However, we do not consider that the making of a Banning Order will act as an appropriate punishment to Mr Duzgun. Given the relatively modest level of fine and the facts behind the conviction we also do not consider that the making of a Banning Order will send an appropriate message to other landlords/managing agents.
97. In summary, when we consider all the section 16(4) factors, we conclude that a Banning Order should not be made.
98. To some extent once we have reached our conclusions in respect of the section 16(4) matters, there may be no need to consider any other factors as suggested in paragraph 90 above. However, for completeness we address the issues raised by Enfield in relation to a whole raft of other properties.
99. One of the main problems in this case is that in many of the examples quoted by Enfield there is absence of any evidence to show a clear link between Mr Duzgun and the alleged problems. We appreciate that it can be very difficult for Local Authorities to untangle some complex arrangements made with the formation of companies and the involvement of an individual in a variety of companies. However, in this case it was for Enfield to show a very clear linkage between Mr Duzgun and the alleged activities. Just listing a whole variety of properties with various assertions over a long period of time is not sufficient. Some of the complaints that are listed occurred when Mr Duzgun was not a director of Green House and before GRGD Limited was involved. Enfield made assertions about Mr Duzgun's involvement with Green House and other companies but has provided no evidence of Mr Duzgun's involvement with IEDA Properties Limited and MDD Property Management Limited. We accept Mr Mupara's submission that the definition in section 55(2) of the 2016 in relation to a person who is managing property. When Mr Duzgun was acting as either an employee or a consultant with another

company such as Green House does not give him corporate responsibility of that company.

100. Enfield has set out its position in relation to the licensing of 217 College Road, but most of this detail relates to the index offence and the Tribunal has already taken this into account in the previous paragraphs. There are some details of occupation of the property but this seems to be at a time when Green House was managing the property and there is no clear, evidential link to Mr Duzgun. It is said that following a 2024 inspection there were category 1 and 2 hazards and thought these have been very briefly identified to in an October 2024 email, there has been no enforcement action taken against Mr Duzgun and it is not particularly clear that he has been informed of the outcome of that inspection.
101. There is an explanation from Mr Duzgun as to the circumstances surrounding the Upper First Floor 137 Victoria Road. The potential safety issues are serious but no enforcement action was taken against Mr Duzgun and it now appears that the issues at the property have been resolved.
102. GRGD Ltd's first involvement with 306 Nightingale Road was when correspondence was sent to it and the freeholder on August 2022. Prior to that date the involvement had been with Green House. Various breaches of HMO regulations were identified but no enforcement action has been taken against GRGD Ltd. Mr Duzgun's response does not really deal with the outstanding repairs. But we can see that the email from the LHA Officer at RE56 does not identify all the outstanding issues as set out on the inspection note at A129. There is an inconsistency in these documents and it appears that GRGD Ltd has responded to the points raised in the email from Enfield dated 14 July 2023.
103. Enfield has not provided any evidence to show Mr Duzgun's involvement in relation to 32 Kimberley Road, nor 10 Granville Avenue. Again, any involvement of Mr Duzgun in 9B Kendal Parade, 25 Bromley Road and 12 The Hatch seems historic, and Enfield has not demonstrated how he has personally been involved with managing the properties in current times. As it appears that Mr Duzgun is no longer involved with Green House or at the highest is only an employee or consultant, then there is no reason why he should personally be answering questions about Green House.
104. Although listed as being within Mr Duzgun's management responsibility no issues are taken in respect of 107 Winchester Road. Enfield complains that Green House holds the licence for 41, Marsden Road, 24, College Gardens, 28, Mapleton Crescent, 48, Ferndale Road, 14, Dendridge Close, 145, Middleham Road, 53 Winchester Road, 97, Bulwer Road, 187 Cuckoo Hall Lane and 75 Mapleton Crescent but that Mr Duzgun by GRGD Ltd manages these properties but he has not notified Enfield of a change of manager. There are also claims that there were noise nuisance and fly-tipping at 145 Middleham Road; a cannabis factory was found at 53 Winchester Road and fly-tipping problems at 187 Cuckoo Hall Lane. Mr Duzgun has provided his explanation in relation to the management licensing arrangements for 41, Marsden Road, 24, College Gardens, 48, Ferndale Road, 14, Dendridge Close, 97 Bulwer Road and 75 Mapleton Crescent and explains that GRGD Ltd was not the manager of 145, Middleham Road at the time of the noise complaints in 2021 and was not aware of the fly-tipping in May 2022 and the same with 187 Cuckoo Hall Lane and 75 Mapleton

Crescent, where it was said there was fly-tipping. Mr Duzgun denies that an undersized room at 28 Mapleton Crescent was used as a bedroom. It is appreciated that it is important that the manager of a licensed property should be properly identified but the Tribunal finds that in the whole these issues either have an explanation as to why GRGD Ltd was not involved and also that the failure to amend the details of the manager would not appear to be impacting the health and safety of the occupiers. We also accept that whilst regular inspections would help to minimise any anti-social activities and to that extent that is one of the purposes of the selective licensing schemes, it is the occupiers and not Mr Duzgun who are responsible for these matters. Again, in relation to the assertions about 28, Mapleton, these seem to be prior to Mr Duzgun's identified involvement and are not evidence by Enfield and are denied by Mr Duzgun.

105. The category 2 hazards at 8 Masons Road in December 2021 pre-dates GRGD Ltd's involvement in the property and Enfield have not shown a clear link to Mr Duzgun. A licence application in 2024 made by Mr Duzgun was late and made only after a reminder from Enfield. Mr Duzgun stated that the management of the property has been taken back by the landlord since December 2024. However, as mentioned previously the Tribunal does not consider that this is a critical issue that would support the making of a Banning Order.

106. Enfield set out the position in relation to the three probate properties in Sandhurst Road. The main complaint related to a delay in applying for the TENs and rubbish left at the property as a result of refurbishment. Mr Duzgun acknowledged that the rubbish was a result of the refurbishment, but it was stated that this was cleared after 2-3 days. Again, prompt licensing applications and proactive management is expected, but Enfield has not demonstrated that there was any risk to any occupiers and the problems listed are relatively minor.

107. In respect of 63, Brettenham Gardens, Enfield's complaint was that GRGD Ltd only applied for a licence after a reminder from Enfield. Mr Duzgun states he is no longer involved with the property and the licence reflects the new manager. As mentioned previously the lack of proactive management in securing an appropriate licence is unfortunate but there is no evidence of harm to occupiers.

108. Enfield refer to the historic involvement of Green House in relation to 22 Greenwood Gardens. But it is said that GRGD Ltd applied for and was granted an HMO licence after a reminder from Enfield. Enfield's position is that at an inspection certain fire precaution works were identified. Mr Duzgun states that these works have been completed. In considering the relative position of each party, the Tribunal finds that there is some indication of property management being undertaken by Mr Duzgun and that there is no evidence to support the making of a Banning Order.

109. Enfield's position in relation to 11 Durrants Road is that there is engagement from Mr Duzgun only once Enfield have intervened. He explained as to who was responsible for the disrepair and the steps taken by GRGD Ltd. Again, whilst not a desirable proactive approach, there seems to be engagement by Mr Duzgun and therefore not a factor that sways us from our view that no Banning Order should be made.

110. It is unfortunate that there has been an inaccuracy in the declaration when an application was made in relation to the First Floor Flat at 112 High Street. This may be down to poor office/management practices in GRGD Ltd. We also accept the position of Mr Duzgun that it was GRGD Ltd who raised the problem with Enfield. This is undesirable but again not sufficient to shift the Tribunal's position from refusing to make a Banning Order.
111. No particular issues were raised by Enfield in relation to 55 Lancaster Road, 56 South Road, 39 Kings Road, 10 Middleham Gardens and 7 Winton Close.
112. For 14 Scarborough Road the problem seems to be about rubbish at the property which was originally resolved but had re-occurred in September 2024. Mr Duzgun explained the steps that GRGD Ltd had taken. Overall, this seems to be on-going management of the tenants living at the property and not evidence of any poor management practice on the part of Mr Duzgun.
113. Enfield have provided a great deal of information in respect of a wide variety of properties. Most of the information are assertions made by Enfield without any supporting document. There is a conflation between the activities of Green House when Mr Duzgun was not a director and the activities of Mr Duzgun and his company GRGD Ltd. This is not helpful as it seems to portray a portfolio that has had years of mismanagement. However, if we focus only on the specific activities of Mr Duzgun and GRGD Ltd then the picture is not as bad. There certainly has been some poor management and there are areas for improvement. However, all these issues raised do not help to support the making of a Banning Order when viewed with the section 16(4) factors that have been discussed previously.
114. As such and taking all the matters together, we find that the nature of the offence was not serious enough for the Tribunal to exercise its discretion to make a Banning Order and we decline to make such an Order.

Tribunal Chair: Ms H C Bowers

Date: 1 September 2025

RIGHTS OF APPEAL

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

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.

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.

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.

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.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).

SCHEDULE 1

Statutory Provisions

Housing and Planning Act 2016

Chapter 2 – Banning Orders

Banning Orders: key definitions

14. “Banning Order” and “Banning Order offence”

- (1) In this Part “Banning Order” means an order, made by the First-tier Tribunal, banning a person from-
 - (a) letting housing in England,
 - (b) engaging in English letting agency work,
 - (c) engaging in English property management work, or
 - (d) doing two or more of those things.
- (2)
- (3) In this Part “Banning Order offence” means an offence of a description specified in regulations made by the Secretary of State.
- (4)

Imposition of Banning Orders

15. Application and notice of intended proceedings

- (1) A local housing authority in England may apply for a Banning Order against a person who has been convicted of a Banning Order offence.
- (2)
- (3) Before applying for a Banning Order under subsection (1), the authority must give the person a notice of intended proceedings-
 - (a) informing the person that the authority is proposing to apply for a Banning Order and explaining why,
 - (b) stating the length of each proposed ban, and
 - (c) inviting the person to make representations within a period specified in the notice of not less than 28 days (“the notice period”).
- (4) The authority must consider any representations made during the notice period.
- (5) The authority must wait until the notice period has ended before applying for a Banning Order.
- (6) A notice of intended proceedings may not be given after the end of the period of 6 months beginning with the day on which the person was convicted of the offence to which the notice relates.

16. Making a Banning Order

- (1) The First-tier Tribunal may make a Banning Order against a person who-
 - (a) has been convicted of a Banning Order offence, and
 - (b) was a residential landlord or a property agent at the time the offence was committed (but see subsection (3)).
- (2) A Banning Order may only be made on an application by a local housing authority in England that has complied with section 15.
- (3)

- (4) In deciding whether to make a Banning Order against a person, and in deciding what order to make, the Tribunal must consider-
 - (a) the seriousness of the offence of which the person has been convicted,
 - (b) any previous convictions that the person has for a Banning Order offence,
 - (c) whether the person is or has at any time been included in the database of rogue landlords and property agents, and
 - (d) the likely effect of the Banning Order on the person and anyone else who may be affected by the order.

17. Duration and effect of Banning Order

- (1) A Banning Order must specify the length of each ban imposed by the order.
- (2) A ban must last at least 12 months.
- (3) A Banning Order may contain exceptions to a ban for some or all of the period to which the ban relates and the exceptions may be subject to conditions.
- (4) A Banning Order may, for example, contain exceptions-
 - (a) to deal with cases where there are existing tenancies and the landlord does not have the power to bring them to an immediate end, or
 - (b) to allow letting agents to wind down current business.

18. Content of banning order: involvement in bodies corporate

- (c) (1) A banning order may include provision banning the person against whom it is made from being involved in any body corporate that carries out an activity that the person is banned by the order from carrying out.
- (d) (2) For this purpose a person is “involved” in a body corporate if the person acts as an officer of the body corporate or directly or indirectly takes part in or is concerned in the management of the body corporate.