



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

Case reference : **LON/00BH/HMT/2025/0001**

Property : **33 Clementina Road, London, E10 7PD**

Applicant : **Jonathan Ahearne**

Representative : **N/A**

Respondent : **London Borough of Waltham Forest**

Representative : **Sharpe Pritchard LLP**

Type of application : **Appeal against a financial penalty -
Section 249A & Schedule 13A to the Housing
Act 2004**

Tribunal : **Judge Nicol
Mrs E Flint FRICS**

**Date and venue of
hearing** : **5th November 2025
10 Alfred Place, London WC1E 7LR**

Date of decision : **5th November 2025**

DECISION

- 1) The application challenging the Respondent's refusal to issue a Temporary Exemption Notice is dismissed.**
- 2) If the parties notify the Tribunal case officer by 19th November 2025 that they wish to mediate, a mediation will be arranged on the earliest available date.**

Reasons

1. The Applicant owns the subject property, a 4-bedroom flat in a two-storey, end terrace house, which he lets out as an HMO (House in

Multiple Occupation). On 8th June 2023 the Respondent granted an HMO licence for one year only in order to allow planning permission to be obtained. Unfortunately, this did not happen. The Respondent granted a further 2 months but this was also not sufficient. The Applicant asked the Respondent for a Temporary Exemption Notice (“TEN”) while he attempted to sort it out (he does not want to incur the significant expense of compliance works until he is certain that the planning and licensing issues are addressed).

2. By letter dated 12th November 2024, the Respondent refused to grant a TEN. On 21st January 2025, the Applicant appealed to the Tribunal against this refusal.
3. The Applicant’s appeal was heard on 5th November 2025. It was attended by:
 - The Applicant;
 - Mr John Fitzsimons, counsel for the Respondent;
 - Ms Brianna Hall; and
 - Ms Anne Hillier, the Respondent’s witness.
4. The Tribunal had the following documents:
 - Applicant’s Bundle, 32 pages;
 - Respondent’s Bundle, 194 pages; and
 - A Skeleton Argument from Mr Fitzsimons.
5. In its Notice of 12th November 2024, the Respondent gave reasons for refusing the TEN:

You failed to take steps to regularise the use during the term of the reduced term licence. The licence was granted on June 2023 and we provided an additional 2 months, so you have had sufficient time to regularise.
6. The Applicant protested that he hadn’t had enough time due to a lack of response from the Respondent’s planning department and that the licensing department had not done enough to help him with this. The documents suggest that this was possibly correct but there is a more fundamental issue with the current application.
7. TENs are granted under section 62 of the Housing Act 2004, the first subsection of which states:
 - (1) This section applies where 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, notifies the local housing authority of his intention to take particular steps with a view to securing that the house is no longer required to be licensed.

8. It is not difficult to understand the Applicant's logic. He wanted breathing space to sort out a genuine issue. A temporary exemption from licensing requirements should achieve this.
9. The Respondent may well have the power, one way or another, to give the Applicant some time and it is disappointing that the parties have not to date been able to negotiate a suitable arrangement, whether through mediation or otherwise. However, that power does not exist in the provisions relating to TENs. Parliament could have provided for TENs to cover any number of possible situations but decided that they should be only for situations where a landlord is bringing the need for a licence to an end, e.g. where they are going through the court process of evicting their tenants.
10. In the current case, the Applicant does not intend to take any steps with a view to securing that the property is no longer required to be licensed. Quite the opposite, he wants to take steps to ensure it can *continue* to be licensed.
11. Therefore, the Applicant's circumstances do not fall within the provisions for TENs and the Respondent had no choice but to refuse to grant him one. Further therefore, the application must be dismissed.
12. The parties still need a solution if the borough is not to lose a unit of rental accommodation. Therefore, the Tribunal's mediation service will remain available to the parties if they let the case officer know within 2 weeks that they wish to use it.

Name: Judge Nicol

Date: 5th November 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).