



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

**Case Reference: CAM/34UF/HNA/2023/0029.**

**Property: 1 Collingwood Road, Abington, Northampton, NN1 4QZ**

**Applicant: Mazin Hassan Jasim-Alkernawi**

**Represented by: in person**

**Respondent: West Northamptonshire Council**

**Representative: In House Legal Department, Ms Desfontaines**

**Type of Application: Appeal against financial penalty (HMO)**

**Tribunal members: Judge Granby, Mr Thomas MRICS**

**Date of Decision: 30 October 2025**

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**DECISION ON PERMISISON TO APPEAL COSTS DECISION**

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**Introduction and Summary**

1. This is an application by the Appellant Mr Jasim-Alkernawi (“the Appellant”) for permission to appeal against a decision dated 8 October 2025 whereby the Tribunal ordered the Appellant to pay the costs of proceedings pursuant to Rule 13 (1) (b) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (“the Rules”) (“the Costs Decision”).
2. The Costs Decision followed the substantive determination in this case which was made by way of a decision dated 25 June 2025 (“the Decision”). In short the substantive Decision was that the Appellant’s appeal against a financial penalty in respect of an unlicensed HMO was

unsuccessful, this Tribunal upheld the penalties imposed by the Respondent Housing Authority.

3. In the Decision the Tribunal made a series of factual findings, these included, inter alia, that the Appellant was an unimpressive witness whose appeal was based on evidence that was untrue and that the Appellant knew was untrue.
4. The Appellant sought to appeal the Decision, permission to appeal against the Decision was refused by this Tribunal and by the Upper Tribunal.
5. The Tribunal then determined the Respondents application for costs against the factual background established by the Decision, this resulted in the Costs Decision that is the subject of this application for permission to appeal.
6. Permission to appeal is refused, the Tribunal will also not review its decision.
7. The grounds of appeal do not raise any arguments that have a reasonable prospect of persuading the Upper Tribunal that this Tribunal has made an error of law. The grounds of appeal appear to be a copy of those submitted to the Upper Tribunal in the Appellants application for permission to appeal against the Decision.
8. It is not open to the Appellant, in appealing the Costs Decision, to suggest that the Decision was wrong or vitiated by an error of law, the Appellant has exhausted his procedural opportunities to make such a case.
9. It may assist the Appellant in understanding this decision to observe that where a person who bears a burden of proof satisfies the court, after considering the material that has been placed before the court, that something happened, then, for the purposes of deciding the case, it did happen. But if that person does not so satisfy the court, then for those

purposes it did not happen. The decision is binary. Either something happened, or it did not, and there is no room for maybe: *Re B (Children)* [2009] 1 AC 11, [2]. In this case the Tribunal was satisfied that the Respondent had discharged the high burden upon them in proving their case so that the Tribunal was sure the Appellant had committed an offence, the Appellant did not satisfy the court that he had a reasonable excuse – accordingly for the purpose of this litigation he did not have one. It is not open to the Appellant to seek to re-argue the facts on each application nor is it open to the Tribunal to depart from its findings in the substantive proceedings for the purpose of costs.

10. The Tribunal addresses each ground of appeal in turn below
11. Ground 1.1 failure to consider procedural safeguards (PACE Interview): this ground does not relate to the Costs Decision, it relates only to the Decision. It does not have a realistic prospect of success.
12. Ground 1.2 reliance on hearsay and absence of witnesses: this ground does not relate to the Costs Decision, it relates only to the Decision. It does not have a realistic prospect of success.
13. Ground 1.3 exclusion of financial evidence: this ground does not relate to the Costs Decision, it relates only to the Decision. It does not have a realistic prospect of success.
14. Ground 1.4 language and comprehension disadvantage: this ground does not relate to the Costs Decision, it relates only to the Decision. It does not have a realistic prospect of success.
15. Ground 1.5 failure to address key evidence on HMO status: this ground does not relate to the Costs Decision, it relates only to the Decision. It does not have a realistic prospect of success.
16. Ground 1.6 unreasoned refusal of permission by Upper Tribunal: this ground relates to the Appellants appeal against the Decision to the Upper Tribunal, the Upper Tribunal refused permission to appeal. This

Tribunal has no jurisdiction to consider whether the Upper Tribunal acted lawfully in refusing permission to appeal, the Appellants only remedy is Judicial Review.

17. Ground 1.7 apparent bias and procedural unfairness at FTT hearing: this ground does not relate to the Costs Decision, it relates only to the Decision. It does not have a realistic prospect of success.
18. The section of the application entitled “why the appeal has merit” (section 2) partly engages with the costs decision to the extent that it suggests that the case raises important points about “the application of Rule 13 costs in cases involving litigants in person with language barriers”. The Appellants’ difficulty here is threefold:
  - a. firstly the Appellant was not in person until after substantive hearing, he was represented by counsel, his solicitor attended the trial
  - b. secondly, there was not a language barrier, the Defendant gave his evidence (written and oral) in English, his evidence (in English) was clearly prepared with the assistance of his solicitors and the Appellant was clearly fluent in English (even if his level of English was not that of a native speaker).
  - c. Thirdly this Tribunal and the Upper Tribunal have already rejected an appeal by the Appellants against the Decision made on the basis that the process was unfair to the Appellant because of alleged communication difficulties.
19. The tribunal did not make the costs decision because of the Appellant’s demeanour when giving evidence but because the Appellant’s case, when taken as a whole, did not permit a reasonable explanation. As the Tribunal has explained in the Costs Decision it is wholly out of the ordinary for a party to be dishonest (as the Appellant has been) in the evidence presented and, even if it were not, clear dishonesty is behaviour that does not permit of a reasonable (as opposed to rational) explanation.

20. The second section of the application continues that the evidence that the Appellant acted dishonestly and unreasonably was based on disputed evidence and assumptions not properly tested. The first half of that proposition is correct – the Appellant maintained that either the Tribunal could not be sure that the offence had been committed or that, if so, he had a reasonable excuse – the evidence both parties adduced was in part challenged by the other, in that sense it was “disputed”. However the evidence was properly tested, under extensive cross examination (far exceeding the time that would enable the matter to conclude in a day) by the Appellants counsel, this time being allowed because, as the Tribunal has already stated, the Appellant was accused of a criminal offence. Moreover, the facts being established they are just that – established unless set aside on appeal, there is no hierarchy of factual findings.
21. The application continues that there was no finding that the proceedings were vexatious, abusive or brought in bad faith, only that they were unsuccessful. This is incorrect, the Tribunal found that the proceedings were brought dishonestly and the evidence was dishonest, the Tribunal expressly found that this was not a case of good faith. In (any event the Tribunal must simply be convinced that the appellant has acted unreasonably in (inter alia) bringing and conducting proceedings, there is no need for any further gloss.
22. Finally the appeal suggests that costs orders should not deter legitimate access to justice especially where a person is unrepresented and faces language and comprehension barriers. As out above, the Applicant was not unrepresented and the Tribunal has been mindful that English is not the Appellants first langue when assessing his evidence.
23. The Rules provide for costs orders in limited circumstances in cases such as this, neither the Rules nor the Tribunals application of them pose a barrier to the access to justice (in many other jurisdictions costs will, normally, simply follow then event). That the Appellant has been

subject to a costs order in this case is because the manner in which he brought and conducted his case (in the sense of the evidence adduced and the case advanced, not in the technical sense of the matters for which his representatives, of whom there is no criticism, were responsible) was unreasonable, it was wholly out of the ordinary in a way that not only enabled but warranted a order for costs under Rule 13 (1) (b).

## **Appeals**

A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the Upper Tribunal (Lands Chamber).

The application must arrive at the Upper Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.

If the person wishing to appeal does not comply with the 28-day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28-day time limit; the Upper Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.

The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.