



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

Case Reference : **CAM/12UB/HMB/2025/0002**

Property : **Room 4, 21 St Albans Road,
Cambridge CB4 2HF**

Applicant : **Nehad Hussein Ahmed**

Representative : **In Person**

Respondent : **VA Invest Limited trading as Bespoke
Managing**

Representative : **Graham Goodwill, Counsel**

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

Tribunal : **Judge Bernadette MacQueen
Mr John Francis, QPM**

Date of Hearing : **19 November 2025**

Date of Decision : **19 November 2025**

DECISION

DECISION

1. The Tribunal does not make a rent repayment order for the reasons set out in this decision.

The Hearing

2. The hearing took place remotely using Cloud Video Platform (CVP). The Applicant appeared as a litigant in person. The Respondent did not appear but was represented by Graham Goodwill, Counsel.
3. The Tribunal had before it a bundle of documents produced by the Applicant, which consisted of 236 pages. Additionally, the Tribunal had before it an application made on form order 1 by the Respondent for the application to be struck out. This application was made on the basis that the Applicant had not made any rent payments to the Respondent. This application was accompanied by a witness statement dated 17 November 2025 and made by Alexandar Viahov, company director on behalf of the Respondent.

Background

4. On 8 May 2025 the Tribunal received an application from the Applicant for a Rent Repayment Order (RRO) under section 41 of the Housing and Planning Act 2016 (the Act) in relation to Room 4, 21 St Albans Road, Cambridge, CB4 2HF (the Property).
5. The Applicant sought a rent repayment order on the basis that on dates between 19 September 2022 and 29 September 2022, VA Invest Ltd trading as Bespoke Managing did unlawfully and permanently deprive the Applicant, the residential occupier of the Property, of his occupation of the Property by changing the locks and removing the Applicant's

belongings and refusing to provide a copy of a new key contrary to section 1(2) Protection from Eviction Act 1977 .

6. The Respondent pleaded guilty to this offence at Cambridge Magistrates Court on 6 May 2025.
7. The Applicant therefore sought a rent repayment order in relation to the period that he occupied the Property, namely 22 February 2022 to 29 September 2022.

Application Made out of Time

8. Section 41 Housing and Planning Act 2016 provides:
 - (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.
9. Section 1(2) Protection from Eviction Act 1977 is an offence to which section 41 applies. However, Section 41(2)(b) provides that a tenant may apply for a rent repayment order only if the offence was committed in the period of 12 months ending with the day on which the application is made to the Tribunal.
10. The last date that the offence was committed was 29 September 2022, however the application was not made to the Tribunal until 8 May 2025. The application has therefore been made out of time.

Rent was not Paid to the Respondent by the Applicant

11. Further, and in any event, the Applicant's witness statement confirmed that his tenancy agreement was with Koala and Tree Limited (page 9 to 17 of the Applicant's bundle). The Applicant confirmed that he paid rent to Koala and Tree Limited.
12. The Respondent did not take over the Property until 1 August 2022. A copy of the agreement made between VA Invest Limited and Koala and Tree Limited was at pages 203 to 206 of the Applicant's bundle. VA Invest Limited pleaded guilty to the section 1(2) Protection from Eviction Act 1977 offence on the basis that their agent had changed the locks and removed the Applicant's possessions from his room. However, the Applicant had never paid any rent to the Respondent. This was confirmed by the Applicant's statement of 27 January 2023 at pages 6 to 8 of the Applicant's bundle. Section 44 of the Housing and Planning Act 2016 provides that the amount that the landlord may be required to pay must not exceed the rent paid in respect of that period.
13. The Applicant had not made any rent payments to the Respondent and therefore the Tribunal is not able in any event to make a rent repayment order against the Respondent.

Tribunal Decision

14. For the reasons set out above, the Tribunal does not make a rent repayment order.

Name: Judge Bernadette MacQueen

Date: 19 November 2025

Annex One – Rights of Appeal

1. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) then a written application for permission must be made to the First-Tier at the Regional Office which has been dealing with the case.
2. The application for permission to appeal must arrive at the Regional Office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.
3. If the application is not made within the 28-day time limit, such application must include a request to an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates (ie give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

