



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

**Case reference** : **LON/00BB/HNA/2024/0614**

**Property** : **12 The Quadrangle House, 84 Romford Road, London E15 4EJ**

**Applicant** : **Victor Oyewole**

**Representative** : **I/P**

**Respondents** : **The Mayor and Burgesses of the London Borough of Newham**

**Representative** : **Shomik Datta, counsel**

**Type of application** : **Appeal against a financial penalty**

**Tribunal member** : **Judge Tagliavini**  
**Ms S Coughlin MCIEH**

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

**Date of hearing** : **1 October 2025**  
**Date of decision** : **19 November 2025**

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**DECISION**

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## **Decisions of the tribunal**

- (1) The tribunal confirms the respondent's decision to issue a Financial Penalty Notice in the sum of £5,000 and dismisses the appeal.
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## **The application**

1. This is an appeal against a Financial Penalty Final Notice dated 13 August 2024 imposing a financial penalty of £5,000 for failing to obtain a selective licence for the subject property at **12 The Quadrangle House, 84 Romford Road, London E15 4EJ** ('the property') pursuant to s.95(1) of the Housing Act 2004.

## **The background**

2. The subject property comprises a flat in a purpose-built block of flats. On 1<sup>st</sup> June 2023, a Licensing Scheme for single family dwellings (Selective Licensing) was brought into effect by the respondent until 31 May 2028. The applicant was notified of this scheme but failed to apply for a selective licence until 5 July 2024. On 14 May 2024, the respondent's employee Shesan Adebawale visited the property and confirmed it was rented to Mr Sulo as a single family.
3. A Notice of Intention to issue a Financial Penalty dated 27 June 2024 was sent to the respondent and on 13 August 2024 a Final Notice notifying the applicant that a financial penalty of £5,000 had been imposed on him for failing to obtain a selective licence.

## **The hearing**

5. The tribunal was provided with a bundle of 33 pages by the applicant and a digital bundle of 96 pages from the respondent. The tribunal also heard oral evidence from the applicant in person and Mr S Adebawale on behalf of the respondent. A skeleton argument was also provided to the tribunal by counsel for the respondent Shomik Datta as well as a written statement relied upon by the applicant. As this appeal was by way of a re-hearing the burden of proof fell on the respondent to prove its case i.e. the decision to find an offence had been committed and to issue a financial penalty in the sum of £5,000.

## **The respondent's case**

6. The respondent relied on the written and oral evidence of Mr Shesan Adebawale from the Private Sector Housing Standards Service, who in a witness statement dated 30 April 2025 gave evidence of the approval and

introduction of the Selective Licensing Scheme. Details of the Financial Penalty Matrix were also set out in the witness statement and Mr Adebawale gave evidence to the tribunal as to how that Financial Matrix Policy had been applied resulting in a score of 11-15 and the issue of a financial penalty in the sum of £5,000.

7. The respondent asserted the applicant had not denied the property was let as at the date of the offence to a single family or that he had not obtained a selective licence. Consequently, the applicant committed an offence during the period 1 June 2023 to 3 July 2024 when he applied for a licence. The respondent asserted that the applicant had failed to establish on the balance of probabilities a defence of 'reasonable excuse' under s.95(4) of the Housing Act 2004 on any grounds.

### **The applicant's case**

8. As the lawfulness of the Policy behind the decision to impose a Selective Licensing Scheme cannot be challenged in this tribunal, the applicant relied on a defence of reasonable excuse and asserted:
  - (a) The London Borough of Newham (LBN) is required to prove its case on the criminal standard of proof i.e. beyond reasonable doubt.
  - (b) LBN has failed to prove the offence pursuant to s.95(1) has been committed because the application for a selective licence was commenced before 14/05/2024 was delayed by the acts of the respondent due to the portal being difficult to navigate and suffering 'technical issues.'
  - (c) The London Borough of Newham (LBN) erroneously considered he owned 3 rather than the 2 properties;
  - (d) LBN had not logically or objectively applied the Financial Penalty Matrix and should have scored certain matters at 0 rather than 1;
  - (e) LBN should have issued a warning rather than a fine.
9. In his Statement, the applicant informed the tribunal that he was an experienced Town Planner who had worked with a number of Local Authorities and was familiar with financial penalty schemes. The applicant also asserted that notwithstanding his years of experience he found navigating the respondent's online licensing application portal difficult. Mr Oyewole also told the tribunal that on 3 July 2024 the respondent's portal was experiencing technical difficulties which prevented him from progressing his application for a selective licence. On 20 August 2024 the applicant was informed that his application for

a selective licence would be cancelled if not completed within a week. The applicant also told the tribunal that he had travelled from Nigeria where he spends a significant amount of time, in order to resolve the issue of his application as despite completing and submitting the application he was unable to make payment, having wanted to make an initial payment of £400 and then £350 at a later date.

10. On questioning at the tribunal the applicant accepted that when he had initially applied for the selective licence in October 2023 he was unable to complete it due to not having all the requested details and documents available. Subsequently he started a new application which he asserted he tried to complete in the period October 2023 to January 2024.
11. Mr Oyewole also told the tribunal he had suffered from ill-health in November which had prevented him from completing the licence application in a timely manner.

### **The decision**

12. Section 95(1) of the Housing Act 2004 states:

*(1) A person commits an offence if he is a person having control of or managing a house which is required to be licensed under this Part (see section 85(1)) but is not so licensed.*

13. Having considered the written evidence from both parties and heard the oral evidence of Mr Adebowale- and Mr Oyewole, the tribunal is satisfied so that it is sure, the applicant committed the offence of having the control of or was managing an unlicensed property that was required to be licensed the London Borough of Newham's selective licensing scheme.
14. The tribunal was also satisfied that the respondent had objectively applied its Financial Penalty Matrix and concluded that a financial penalty of £5,000 was appropriate. The tribunal finds whether the respondent attributed 2 or 3 properties to the ownership of the applicant as a small landlord, the outcome number of '1' remained the same and the total in any event remained the same i.e.13 points.

### **Reasonable excuse**

15. Section 95(4) of the Housing Act 2004 states:

*(4) In proceedings against a person for an offence under subsection (1) or (2) it is a defence that he had a reasonable excuse—*

*(a)for having control of or managing the house in the circumstances mentioned in subsection (1), or*

*(b)for failing to comply with the condition.*

16. The burden of proof is on the applicant to show on the balance of probabilities he had a 'reasonable excuse' for the commission of the offence under s.95(1) of the 2004 Act. The tribunal finds the applicant has failed to discharge this burden. Mr Oyewole accepted he received notification of the newly introduced selective licensing scheme and was aware he was required to obtain a licence for the subject property. The tribunal finds the applicant's repeated attempts and subsequent cancellations of his application were due to his failure to provide all of the required information rather than due to any difficulty in navigating the portal or technical issues. Although the tribunal accepts he applicant had a period of ill-health in later 2023, it also finds that the this did not prevent him from pursuing his application, as he accepted in the tribunal he had taken and was able to use his laptop even during his hospital stay in Nigeria.
17. The tribunal finds that it was the applicant's own unwillingness or inability to provide information and pay the required amount that prevented him from successfully completing the application for a selective licence. The tribunal does not find these matters constitute a 'reasonable' excuse.
18. Further, the tribunal finds it was appropriate for the respondent to issue a fine rather than a warning as the applicant had been given ample notice of the newly introduced licensing scheme, as well as significant opportunity to apply for a licence before the penalty was imposed.
19. In conclusion, the tribunal confirms the respondent's decision to issue a Financial Penalty Notice in the sum of £5,000. Therefore, the appeal is dismissed.

**Name:**

**Judge Tagliavini**

**Date: 1 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 should be made on Form RP PTA available at <https://www.gov.uk/government/publications/form-rp-pta-application-for-permission-to-appeal-a-decision-to-the-upper-tribunal-lands-chamber>

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).