



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

Case Reference : **MAN/00BR/HSE/2024/0601**

Property : **2A Willows Road, Salford M5 5TA**

Applicant : **Salford City Council**

Representative : **Mr Paul Whatley**

Respondent : **Mr John Parkinson**

Type of Application : **Application for Rent Repayment
Order
Housing and Planning Act 2016 –
Section 41(1)**

Tribunal Members : **Judge J. Hadley
Mr Ian James MRICS**

**Date and venue of
Hearing** : **9 January 2026
Residential Property Tribunal,
Manchester**

Date of Decision : **12 January 2026**

DECISION

DECISION

A. Mr John Parkinson is ordered to pay to Salford City Council the sum of £7,274.89 in respect of universal credit paid to him directly in respect of rent from his tenant for the period of 19 June 2023 to 19 May 2024 such sum to be paid within 28 days of the date of service of this decision.

REASONS

Introduction

1. On 18 December 2024, the Applicant, a local housing authority, submitted to the Tribunal an application under section 41(1) of the Housing and Planning Act 2016 (“the 2016 Act”) for a rent repayment order for the amount of £7,274.89 being the amount of rent paid between 19 June 2023 and 19 May 2024.
2. The Applicant seeks payment by Mr John Parkinson of 17 Giles Street, Manchester M12 5GE of an amount in respect of a relevant award of universal credit paid to the tenant in respect of rent under the tenancy of 2A Willows Road, Salford M5 5TA (“the Property”). The universal credit was paid directly to the Respondent, as the landlord. The Tribunal must determine whether it has jurisdiction to make a rent repayment order and, if so, the amount which the Respondent must pay to the Applicant.
3. On 1 October 2025, the Tribunal issued Directions (“the Directions”) to the parties in respect of the application stating that the matter would be dealt with by way of a hearing and setting out what each party needed to do in advance of the hearing and by what dates. Whilst the Respondent sent some email communications to the Tribunal, no bundle was received from the Respondent in compliance with the Directions. Therefore, on 25 November 2025, Judge S Westby issued a proposal to bar the Respondent from taking further part in these proceedings unless he complied with the Directions. No response or bundle was received from the Respondent, and so, on 11 December 2025, Judge C Goodall issued a Barring Order barring the Respondent from taking part in the proceedings. Accordingly, the Respondent did not attend the hearing.
4. The Tribunal did not inspect the Property, but we understand it comprises a one-bedroom ground floor flat within a larger converted building.
5. In attendance at the hearing was Mr Paul Whatley, Counsel for the Applicant, Ms Sarah Hughes and Ms Liz Mann both of the Applicant and two observers from the Applicant.

6. The Tribunal heard submissions from Mr Whatley and brief oral evidence from Ms Mann. In reaching its decision, the Tribunal considered the documents contained in the Applicant's bundle including the witness statement of Ms Mann.

Law

Rent repayment orders

7. A rent repayment order is an order of the Tribunal requiring the landlord under a tenancy of housing in England to pay a local housing authority an amount in respect of a relevant award of universal credit paid (to any person) in respect of rent under the tenancy. Such an order may only be made where the landlord has committed one of the offences specified in section 40(3) of the 2016 Act. A list of those offences was included in the Directions. The list includes the offence (under section 95 (1) of the Housing Act 2004 ("the 2004 Act")) of controlling or managing an unlicensed house subject to the selective licence regime. The offence must have been committed by the landlord in relation to housing in England let by him.
8. Section 41(3) provides that a local housing authority may apply for a rent repayment order only if:
 - a. the offence relates to housing in the authority's area; and
 - b. the authority has complied with section 42.
9. Section 41 (4) goes on to provide that, in deciding whether to apply for a rent repayment order, a local housing authority must have regard to any guidance given by the Secretary of State.
10. Section 42 (1) provides that, before applying for a rent repayment order, a local housing authority must give a landlord a notice of intended proceedings in accordance with that section and, pursuant to section 42 (5), such a notice may not be given after the end of the period of 12 months beginning with the day on which the landlord committed the offence to which it relates.
11. Section 43 of the 2016 Act provides that the Tribunal may make a rent repayment order if satisfied, beyond reasonable doubt, that the landlord has committed one of the offences specified in section 40(3) (whether or not the landlord has been convicted).
12. Where the Tribunal decides to make a rent repayment order in favour of a local housing authority, it must go on to determine the amount of that order in accordance with section 45 and section 46 of the 2016 Act.
13. Under section 45 (2), the amount must relate to universal credit paid during a period, not exceeding 12 months, during which the landlord was committing the offence and, under section 45 (3), the amount that

the landlord may be required to repay must not exceed the amount of universal credit that the landlord received (directly or indirectly) in respect of rent under the tenancy for that period.

14. Under section 46, where an order is made in favour of a local housing authority against a landlord who has received a financial penalty in respect of the offence and the appeal period has expired for that penalty, such that Condition 1 and Condition 2 are met, the amount of the rent repayment order must be the maximum amount the Tribunal has power to order in accordance with section 45 (disregarding subsection (4) of that section).

Facts

15. The Applicant designated areas in Salford (being Langworthy, Weaste and Seedley) as an area for selective licensing on 12 August 2019, and this came into force on 20 November 2019 and had effect for 5 years until 20 November 2024. A copy of the designation is included in the Applicant's bundle.
16. The Respondent, together with Mr Ray Gavin, was registered as the proprietor of the Property on 9 June 2021. This is evidenced by a copy of the registered title for the Property (as at 24 January 2024) which is included in the Applicant's bundle.
17. The Applicant first became aware of the Property when its Housing Standards team received a complaint from the tenant of the Property, Mr Gordon Marshall, in relation to a lack of heating and hot water at the Property. This led to the Applicant sending an officer to inspect the Property on 30 January 2024. At the inspection, Mr Marshall, the tenant, identified himself and provided the Applicants with a copy of his tenancy agreement. A copy of the tenancy agreement is included in the Applicant's bundle, is dated 19 September 2023 and specifies Mr John Parkinson as the landlord.
18. As the Property fell within an area designated for selective licensing, the Applicants wrote to the Respondent on a number of occasions inviting him to make an application. Whilst the Respondent responded to say that he intended to sell the Property, the Respondent has never at any stage disputed that he was renting the Property to the tenant. The Applicants advised him to apply for a temporary exemption from licensing if he intended to sell the Property. However, no application for either a selective licence or a temporary exemption was received and so, after following the relevant procedure, the Applicants issued the Respondent with a Final Civil Penalty Notice on 8 October 2024 in the sum of £7,500. This was not appealed and the timescale for doing so has now well expired. A copy of the Final Civil Penalty Notice and various correspondence sent and received by the Applicant is included in the Applicant's bundle.

19. The Applicant undertook a case review and determined in accordance with Salford Council's Policy on Rent Repayment Orders ("the Policy") to apply for a rent repayment order. A copy of the Policy is included in the Applicant's bundle, and it states that it has regard to and should be read in conjunction with the statutory guidance.
20. The Applicant obtained evidence from the Department of Work and Pensions ("DWP") of Universal Credit payments made directly to the Respondent in respect of Mr Marshall's rent payments under his tenancy of the Property. Such evidence was provided by the DWP to the Applicant for monthly payments made between 19 September 2022 and 19 May 2024, and these are included in the Applicant's bundle. These documents state that, whilst the total monthly rent due for the Property was £675.00, the amount paid to the Respondent towards Mr Marshall's rent (housing payment) in respect of the last 12 months evidenced by the DWP was as set out in the table below:

Month	Housing payment
19 June 2023	£599.99
19 July 2023	£599.99
19 August 2023	£599.99
19 September 2023	£599.99
19 October 2023	£599.99
19 November 2023	£599.99
19 December 2023	£599.99
19 January 2024	£599.99
19 February 2024	£599.99
19 March 2024	£599.99
19 April 2024	£599.99
19 May 2024	£675.00
Total	£7,274.89

21. The Applicant sent a Notice of Intended Proceedings to the Respondent on 28 October 2024, in compliance with section 42 of the 2016 Act, specifying that the Applicant proposed to apply for a rent repayment order for the maximum amount of £7,274.89 being the rent paid between 19 June 2023 and 19 May 2024. The Respondent failed to respond to this Notice within the requisite 28 days and so the Applicant made the Application to the Tribunal for a rent repayment order on 18 December 2024.
22. Ms Mann confirmed in her statement that, as of 14 October 2025, Mr Marshall had vacated the Property. However, it is not known whether the Respondent still owns the Property.

Decision

Has an offence been committed?

23. To make a rent repayment order, the Tribunal must first be satisfied beyond reasonable doubt that the alleged offence has been committed. Beyond reasonable doubt is the criminal standard of proof, which is a higher standard of proof than the civil standard of the balance of probabilities. In this case, the Tribunal must be satisfied, beyond reasonable doubt, that the Respondent was controlling or managing an unlicensed house subject to the selective licence regime.
24. It is an undisputed fact that the Property was within an area designated for selective licensing between 20 November 2019 and 20 November 2024. The Property is located within the designated area, and the Respondent has never at any stage disputed that the Property was subject to selective licensing.
25. It is also an undisputed fact that the Respondent let the Property to the tenant, Mr Marshall. The Respondent was the owner of the Property, is named as the landlord in the tenancy agreement and has never disputed that he let the Property to Mr Marshall. Furthermore, the evidence from the DWP is that payments were being made to the Respondent in respect of Mr Marshall's rent due under the tenancy of the Property between 19 September 2022 and 19 May 2024.
26. It is also an undisputed fact that the Respondent did not apply for either a selective licence or a temporary exemption at any stage such that the Applicant issued the Respondent with a Final Civil Penalty Notice on 8 October 2024 which was not appealed.
27. The Tribunal has considered whether facts could give rise to a reasonable excuse defence for the Respondent. However, given that the Respondent has not engaged in the proceedings, no evidence has been provided to demonstrate a reasonable excuse, and the Tribunal is not aware of any circumstances which would suggest to it that such a defence exists.
28. Considering the above, the Tribunal is satisfied beyond reasonable doubt that the Respondent committed the offence of controlling or managing an unlicensed house subject to the selective licensing regime contrary to section 95 (1) of the 2004 Act during the whole of the period for which the rent repayment order is being sought being 19 June 2023 to 19 May 2024 ("the Offence Period") and most likely for a significantly longer period.
29. Given that the offence relates to housing in the Respondent's area as a local housing authority and the Respondent has complied with s 42 of the 2016 Act, the Tribunal has the jurisdiction to make a rent repayment order.

Whether a rent repayment order should be made

30. The Tribunal is satisfied that it is appropriate to make a rent repayment order on the grounds that the Respondent has committed a selective licensing offence. The Respondent has not put forward any grounds, nor has the Tribunal identified any reasons why it is not appropriate to make a rent repayment order in the circumstances of the present case.

Amount of the order

31. Under s 45 (2) of the 2016 Act, the amount of the order must relate to universal credit paid during a period, not exceeding 12 months, during which the landlord was committing the offence. As already established, the landlord was committing the offence during the Offence Period which is less than 12 months. The universal credit paid during the Offence Period was £7,274.89 as set out in the table above.
32. Section 45 (3) specifies that the amount that the landlord may be required to repay in respect of a period must not exceed the amount of universal credit that the landlord received (directly or indirectly) in respect of rent under the tenancy for that period.
33. Whilst the Respondent did indicate in email communication with the Applicant on 2 and 3 April 2024 that he was owed some rent by his tenant, the Tribunal has no information or evidence in relation to any such arrears. The Applicant's evidence is that they directed him to the DWP so that he had the opportunity to chase up any universal credit arrears. In any event, the Applicant's evidence from the DWP strongly demonstrates that the £7,274.89 was paid directly to the Respondent during the Offence Period, and in the absence of any evidence to the contrary from the Respondent, there is no basis for the Tribunal to doubt that all of those payments were made directly to the Respondent in full. Therefore, insofar as it is necessary, the Tribunal makes a finding of fact that the Respondent received directly the full amount of universal credit paid in respect of rent for the Offence Period in the sum of £7,272.89 such that the maximum amount which the Tribunal can order under s 45 (3) is £7,272.89.
34. Section 46 (1) applies in this case; Condition 1 is met because the order is made against a landlord who has received a financial penalty in respect of the offence and is made at a time when there is no prospect of appeal against that penalty (the time period having well expired) and Condition 2 is met because the order is made in favour of a local housing authority. The impact of that is that the Tribunal must make an order for the maximum amount under s 45. As set out above, the maximum amount here is £7,272.89. The only exception to that would be if there were exceptional circumstances which meant that it would be unreasonable to require the landlord to pay the amount. No exceptional circumstances

have been put forward by the Respondent here nor are any such exceptional circumstances evident to the Tribunal.

35. The Tribunal is not required to consider any other factors and is not permitted to make any deductions to the maximum amount.
36. Therefore, the Tribunal is satisfied that it should order Mr John Parkinson to repay to Salford City Council an amount in the sum of £7,272.89 being equal to the universal credit paid directly to Mr Parkinson in respect of rent from his tenant under the tenancy of the Property during the period 19 June 2023 to 19 May 2024.

Signed: J. Hadley
Judge of the First-tier Tribunal
Date: 12 January 2026

Rights of appeal

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. If the Tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).