



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

**Case reference** : **LON/00AP/HNA/2025/0663**

**Property** : **35 Clonmell Road, London N17 6JY**

**Applicants** : **(1) Francis C Courtinho  
(2) Ami Wyman of KHB Associates Limited**

**Representative** : **(1) & (2) KHB Associates**

**Respondent** : **London Borough of Haringey**

**Representatives** : **Ms A Krukowska & Ms K Phillips**

**Type of application** : **Financial Penalty**

**Tribunal members** : **Judge Tagliavini  
Ms F Macleod**

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

**Date of hearing** : **1 December 2025**  
**Date of decision** : **12 January 2026**

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**DECISION**

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## **Decisions of the tribunal**

- (1) The tribunal confirms the issue of a Financial Penalty Notice in the sum of £2,500 to the first applicant.
  - (2) The tribunal confirms the issue of a Financial Penalty Notice in the sum of £10,000 to the second applicant.
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## **The application**

1. This application concerns an appeal by the first and second applicants against the imposition of Financial Penalty Notices served by the respondent pursuant to s.249A and Schedule 13A of the Housing Act 2004. On 27 May 2019, The London Borough of Haringey Designation of an area for Addition Licensing of Houses in Multiple Occupation No 3, 2019 came in effect, and ceased to have effect on 26 May 2025. This designation required the subject property to be licensed under this additional licensing scheme and was in effect at the date of the alleged offence on 6 December 2025, having been extended to 16 June 2029.

## **The background - the first applicant**

2. On 11/02/2025 a Financial Penalty Notice (Final Notice) was served on the first applicant in the sum of £2,500. As the owner of premises known as 35 Clonmell Road, London N17 6YJ ('the premises') it was alleged that:

*On or about 6<sup>th</sup> December 2024, being the owner of 35 Clonmell Road, London N17 6YJ you did fail to licence a house in multiple occupation and therefore committed an offence under section 72(1) of the Housing Act 2004.*

## **The background – the second applicant**

3. On 11/02/2025 a Financial Penalty Notice (Final Notice) was served on the second applicant in the sum of £10,000. As the managing agent of premises known as 35 Clonmell Road, London N17 6YJ ('the premises') it was alleged that:

*On or about 6<sup>th</sup> December 2024, being the manager of 35 Clonmell Road, London N17 6YJ you did fail to licence a house in multiple occupation and therefore committed an offence under section 72(1) of the Housing Act 2004.*

## **The hearing**

4. At the oral re-hearing of these appeals the applicants were represented by Mr Kazi Abdul of KHB Associates Limited who relied on a hearing bundle of 120 pages in addition to a Skeleton Argument on behalf of the second applicant only. The respondent was represented by Ms Krukowska and Ms Phillips who relied on a digital bundle of 127 pages. Ms Krukowska's written and oral evidence explained her inspection of the subject property on 6 December 2025, her findings and the application of the Financial Penalty Matrix in respect of both applicants. In addition, the tribunal was provided with a witness statement of Fiona Wilkinson, Team Leader dated 06/08/2025 which stated she had also inspected the subject premises on 06/12/2025.
5. Neither applicant denied the requirement for a licence and both accepted the requisite licence had not been obtained as at the date of the offence i.e. 6 December 2025. The second applicant asserted that it had applied for a licence 10 days after being notified by the respondent of the need for an additional licence and that in any event the amount of the financial penalty was excessive particularly as no harm had been caused to the tenant and by reason of the second applicant's financial circumstances and significant works had been carried out at the subject property.
6. In emails to the respondent the first applicant stated that he now lived abroad, was new to being a landlord and had left everything in the hands of his managing agent, the second applicant.
7. In written representations the second applicant asserted that a licence was applied for on 16 January 2025 after being notified on 6 January 2025 by the respondent that an additional licence was not in place and had been under the impression a licence was already in place before they acquired the management of the property in February 2024. Therefore, the second applicant's prompt action in applying for a licence amounted to a defence of 'reasonable excuse.' At the hearing Mr Abdul submitted the financial penalty should be 'zero' although 'he was happy to pay £500 to £1,000.'
8. Neither applicant provided the tribunal with details of their respective financial circumstances.

### **The tribunal's decisions**

9. In reaching its decision the tribunal had regard to the relevant law which states:

#### ***72 Offences in relation to licensing of HMOs***

*(1) A person commits an offence if he is 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.*

*(2) A person commits an offence if—*

*(a) he is a person having control of or managing an HMO which is licensed under this Part,*

*(b) he knowingly permits another person to occupy the house, and*

*(c) the other person's occupation results in the house being occupied by more households or persons than is authorised by the licence.*

*(3) A person commits an offence if—*

*(a) he is a licence holder or a person on whom restrictions or obligations under a licence are imposed in accordance with section 67(5), and*

*(b) he fails to comply with any condition of the licence.*

*(4) In proceedings against a person for an offence under subsection (1) it is a defence that, at the material time—*

*(a) a notification had been duly given in respect of the house under section 62(1), or*

*(b) an application for a licence had been duly made in respect of the house under section 63,*

*and that notification or application was still effective (see subsection (8)).*

*(5) In proceedings against a person for an offence under subsection (1), (2) or (3) 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 permitting the person to occupy the house, or*

*(c) for failing to comply with the condition,*

**249A Financial penalties for certain housing offences in England**

*(1)The local housing authority may impose a financial penalty on a person if satisfied, beyond reasonable doubt, that the person's conduct amounts to a relevant housing offence in respect of premises in England.*

*(2)In this section “relevant housing offence” means an offence under—*

*(a)...*

*(b)section 72 (licensing of HMOs),*

**Schedule 13A**

*10(1)A person to whom a final notice is given may appeal to the First-tier Tribunal against—*

*(a)the decision to impose the penalty, or*

*(b)the amount of the penalty.*

*(2)If a person appeals under this paragraph, the final notice is suspended until the appeal is finally determined or withdrawn.*

*(3)An appeal under this paragraph—*

*(a)is to be a re-hearing of the local housing authority's decision, but*

*(b)may be determined having regard to matters of which the authority was unaware.*

*(4)On an appeal under this paragraph the First-tier Tribunal may confirm, vary or cancel the final notice.*

*(5)The final notice may not be varied under sub-paragraph (4) so as to make it impose a financial penalty of more than the local housing authority could have imposed.*

**The first applicant – Mr C Courinho**

10. The tribunal accepts the respondent's evidence in respect of the offence alleged and finds it has proved on the requisite standard that as of 6 December 2025 the first applicant had committed an offence pursuant to s.72(1) of the Housing Act 2004, notwithstanding the first applicant did not seek to deny a licence had not been obtained. The tribunal also accepts the respondent's evidence in respect of how it applied its Financial Penalty Matrix and finds this has been appropriately applied and has resulted in a financial penalty of £2,500.
11. The tribunal finds the first applicant failed to put forward any defence of reasonable excuse as it does not accept that simply relying on a managing agent to manage the property and collect rent on the landlord's behalf removes the first applicant's responsibility to ensure the subject property was appropriately licensed.
12. Therefore, the tribunal confirms the respondent's decision to issue a financial penalty in the sum of £2,500.

### **The tribunal's decision – KBH Associates Limited**

13. The tribunal also finds the respondent has proved its case against the second applicant on the requisite standard of proof and that the second applicant committed an offence pursuant to s.72(1) of the Housing Act 2004 as alleged.
14. The tribunal is also satisfied the respondent correctly applied its Financial Penalty Matrix and assigned the correct number of points to breach of the four factors it took into consideration and the scores it applied and did not accept the assertions put forward by the second applicant that each category should have been scored 'zero.'
15. Further, the tribunal did not accept the second applicant's submissions on 'reasonable excuse.' The tribunal finds the second applicant is an experienced managing agent, so it should have carried out checks when it first acquired the subject property to ensure an appropriate licence was either in place or obtained. This is of particular relevance when the second applicant had obtained a licence in respect of 75 Clonmell Road with effect from 1 May 2020. However, it did neither of these things and put forward no reasonable explanation as to why it had not done so. The tribunal accepts the second applicant applied for a 5-year licence on 16 January 2025 and this was issued to KHB Associates Ltd (Ami Wyman).
16. Therefore, the tribunal confirms the respondent's decision to issue a financial penalty in the sum of £10,000 against the second applicant.;

**Name:** Judge Tagliavini

**Date:** 12 January 2026

### **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).