



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

Case reference : **LON/00BH/HMF/2024/0621**

Property : **263 Boundary Road, London E17 8NE.**

Applicant : **Zayniddin Sulaymanov.**

Representative : **N/A**

Respondent : **Dalip Singh.**

Representative : **Mr Mangrio of Solicitors Inn.**

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

Tribunal members : **Judge H Carr
Mr S Mason FRICS**

**Date and venue of
hearing** : **12th January 2026**

Date of decision : **2nd February 2026**

DECISION

Decisions of the tribunal

- (1) The tribunal determines not to make a Rent Repayment Order.
- (2) The tribunal makes the determinations as set out under the various headings in this decision.

The application

1. The applicant Mr Zayniddin Sulaymanov seek a determination pursuant to section 41 of the Housing and Planning Act 2016 (the Act) for a rent repayment order (RRO) in relation to 263 Boundary Road, London E1d7 8NE, the property.
2. The applicant alleges that the respondent landlord has committed the offence of control or management of an unlicensed HMO under s.72(1) of the Housing Act 2004.
3. The respondent is Mr Dalip Singh, the registered owner of the property and who is named on the tenancy agreements as the landlord.
4. In his application, the applicant stated that he is seeking to recover £28900 for the period August 2023 – July 2024 - 12 months.
5. The rent payable during that period was £2100.
6. The application was made and received on 15th August 2024. Directions were issued in this matter on 15th November 2024. Further directions following non-compliance with the original directions were made on 19th March 2025. At the hearing of the application on 19th May 2025 the hearing was adjourned as it was not ready to proceed and further directions were issued. At the hearing of the application on 17th July 2025 the matter was once more adjourned because the applicant had not organised an accredited interpreter to attend the hearing and translate. The hearing was listed for 12th January 2026 and further directions were issued.

The hearing

7. The applicant attended the hearing along with his nephew Azizbek Turaev who gave evidence on behalf of the applicant. A court accredited interpreter Elena Sharman also attended to provide interpretation services for the applicant.

8. The respondent attended the hearing together with his representative Mr Jon Trussler of Counsel.
9. The respondent applied to the tribunal to strike out the application under Rule 9. Mr Trussler drew the attention of the tribunal to its directions
10. The grounds of his application were
 - (i) The statement of truth provided on the applicant's witness statement was not consistent with the tribunal's requirements.
 - (ii) Despite clear directions provided, the applicant had failed to provide evidence to substantiate his claims of harassment by the respondent
 - (iii) There was no evidence to substantiate the applicant's status to make the claim. The respondent says that the applicant was an unauthorised occupier and was neither a tenant nor a licensee of the property.
 - (iv) The applicant asked the tribunal not to strike out his application. He is a litigant in person and he speaks only very limited English. He has done his best to comply with the tribunal's directions. He says he has evidence that he paid the rent for the property and was a tenant.

The decision of the tribunal

11. The tribunal determined not to strike out the whole application but to strike out of consideration by the tribunal any issues of conduct by the landlord which related to allegations of harassment.

The reasons for the decision of the tribunal

12. The tribunal considered the failure to provide a full statement of truth was a minor procedural issue which could be corrected without prejudice to the respondent who would have the opportunity to cross examine the applicant.
13. The issue of the status of the applicant has only been raised by the respondent at this stage of the proceedings. It is an issue of fact and the tribunal needs to hear evidence from both parties about the status of the applicant before making findings on that point. It would therefore be premature to strike out the application on that basis.

14. However, the tribunal notes that it provided very clear directions on the need to provide further details of allegations of harassment which the applicant has failed to do. In the light of this, and mindful that the respondent is entitled to know the substance of the case against him the tribunal strikes out that part of the applicant's statement that relates to allegations of harassment to the effect that any such allegations will not form part of the tribunal's determination of quantum of any RRO awarded.

The property

15. The property is a four bedroom house in Waltham Forest. It has two double bedrooms and two single bedrooms. In addition it has a sitting room, a kitchen a bathroom and a toilet.
16. The applicant says that he moved into the property on 12th January. This was on the basis of a tenancy agreement signed on 12th January 2018 which name Mr Sattarov Mukhiddin and Ms Ana Butucel as tenants and this was for a 12 month term. Ms Ana Ana Butucel is the applicant's wife.
17. The respondent says that the tenancy was renewed on 12th January 2020 naming Sattarov Mukhiddin and Natalia Turcan as tenants. The respondent says that at this time he reduced the rent from £2,300 pcm to £2100 pcm as a good will gesture.
18. The applicant exhibited an assured shorthold tenancy agreement dated 12th January 2020 which names Sattarov Mukhiddin and Natalia Turcan as the tenant.
19. The tenancy is for the period 12th January 2020 to 11th July 2020. After the expiry of the fixed term the tenancy continued on a periodic basis
20. The rent is £2100 per calendar month and is payable on or before 12th of each month.
21. During the course of the hearing the applicant told the tribunal he wished his period of claim to be January 2023 – December 2023. The tribunal asked if he had evidence of payment of rent during that period and he said that he had.
22. The applicant says that he paid additional rent in cash to the respondent.
23. The tenancy agreement makes the tenant responsible for all utility payments.
24. The tenancy names the respondent as the landlord of the property.

25. A notice of rent increase was exhibited dated 2nd February 2024 which named the applicant as the tenant of the property
26. The respondent commenced possession proceedings sometime in 2024. The county court did not grant a possession order for reasons which were not clearly established to the tribunal but may have been because of the lack of a licence for the property.
27. The respondent was granted a licence on 10th January 2025. The respondent was not able to tell the tribunal when he applied for a licence.

The issues

28. The issues that the tribunal must determine are;
 - (i) Is the tribunal satisfied beyond reasonable doubt that the landlord has committed the alleged offence?
 - (ii) Does the respondent have a 'reasonable excuse' defence?
 - (iii) What amount of RRO, if any, should the tribunal order?
 - (a) What is the maximum amount that can be ordered under s.44(3) of the Act?
 - (b) What account must be taken of
 - (1) The conduct of the landlord
 - (2) The financial circumstances of the landlord:
 - (3) The conduct of the tenant?
 - (iv) Should the tribunal refund the applicant's application and hearing fees?

The determination

Is the tribunal satisfied beyond reasonable doubt that the respondent has committed the alleged offence?

The applicant's evidence

29. The applicant moved into the premises in 2018 with his wife, Ana Butucel. Their child, Sophia, was born in 2018 shortly after moving into the property.
30. The other occupants of the property were his nephew, Mukhiddin Sattarov and his girlfriend and his other nephew, Mr Tuaev.
31. The applicant says that it was agreed from the beginning of the tenancy that the property would be shared. The arrangements made about who signed the tenancy were made to suit the landlord. The applicant says that he had previously had a tenancy with this landlord and that the landlord said that he could not have his name on two tenancy agreements.
32. The applicant says that although his name was not on the tenancy agreement he paid the rent and he was communicated with by the respondent about the rent and other matters to do with the property. He says he was always treated by the landlord as the main tenant.
33. The property is situated within Waltham Forest which the applicant says has a licensing scheme and that the property requires an HMO licence.
34. The applicant says that he checked with the Waltham Forest Council property licence register and he found that the property did not have a licence
35. He includes in his bundle a letter to the County Court which says that he checked the property licence register on 12th August 2024. He does not provide direct evidence of his contact with the council.
36. The applicant provided no evidence of Waltham Forest's licensing scheme and provided no argument that the property was an HMO other than it was shared.
37. The tribunal asked for clarification as to who occupied the property when and who paid what rent to whom during the period of the claim,
38. The applicant said that he paid the rent gathering together money from the other occupiers as and when he was able.

39. The tribunal asked about whether his mother in law occupied the property. He said that she had come for a three month visit when the baby was born and a more recent three month visit.
40. When the tribunal asked if anyone else had occupied the property he said that with the permission of the landlord he had sublet to a college student but that she did not pay rent but contributed in kind, cleaning and helping out with the household.
41. The evidence that the applicant provided about payment of rent during the relevant period was incomplete and whilst receipts showed that monies had been paid to the respondent they did not show by whom or the year of the payment. Although the tribunal provided some time for the applicant to provide better evidence of his payment of the rent he was not able to do so at the time.
42. The tribunal noted that the respondent had provided a schedule of rent received, but this did not show by whom the money was paid.

The Respondent's evidence

43. The respondent says that the original tenancy agreement was signed in 2018 by Sattarov Mukhiddin and Ana Butucel for a 12 month term.
44. He says that he changed the names of the tenancy in 2020 but Mr Sualymanov and Ana Butucel refused to sign the renewed agreement.
45. The respondent says that the property does not require an HMO licence but does require a selective licence.
46. The respondent applied to the tribunal that the case be dismissed at this stage. The reasons for this were as follows:
 - (i) There was no evidence that the applicant had paid rent during the relevant period. The information provided did not show the account from which it was paid, nor the year of the payments.
 - (ii) There is no evidence of any, and if so, what contributions were made by other occupiers.
 - (iii) The application is on the basis of an HMO licence but there is no evidence provided by the applicant that the property was an HMO.

- (iv) It is too late at this stage for the applicant's claim to be on the basis that the property required a selective licence.
 - (v) Whilst it may be that the applicant could provide the necessary evidence, the case has been ongoing for some time and the applicant has had sufficient time to gather together the evidence that he needs. The respondent has had the threat of a criminal case against him for a considerable period of time and it is not in the interests of justice that the proceedings should be further delayed.
47. The applicant responded by saying that he had done his best to satisfy the tribunal's requirements. He had provided evidence that he had paid rent. He could, if necessary, provide the evidence in alternative formats and answer all issues raised by the respondent if he was given an opportunity to do so.

The decision of the tribunal

The tribunal determines to dismiss the application for an RRO.

The reasons for the decision of the tribunal

48. The tribunal has not got the evidence before it that the respondent committed the offence beyond reasonable doubt.
- (i) There is no evidence from the local authority about its licensing requirements
 - (ii) There is no evidence that the property is an HMO. On the face of the evidence provided by the applicant the occupiers were related or in relationships with each other.
 - (iii) The applicant has not provided adequate evidence that he paid the rent on the property
 - (iv) The roles and contributions of other occupants of the property is very unclear.
49. The tribunal agrees with the applicant that some or all of these matters may potentially be corrected by an adjournment. However, this is the third attempt of the tribunal to make a final decision on the application. It is not in the interests of justice to allow the application to proceed

further and place the respondent under the continued strain of allegations of criminal conduct.

50. The respondent is invited to make an application under Rule 13 in relation to its costs in this matter, particularly those costs incurred at the last hearing of the application.
51. The tribunal notes that the applicant provided further evidence subsequent to the hearing. However, as the respondent has already pointed out, there has been ample opportunity for the applicant to provide this evidence at an earlier stage. Moreover, the respondent has not had an opportunity to cross examine on this evidence.

Name: Judge H Carr

Date: 2nd February 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 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).