



FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case reference : LON/00AD/HTC/2025/0615.

Property : 38-40 Station Road, London DA1 3QG.

Applicant : Kimberley Bastin.

Respondents : (1) Amrit Singh
(2) NEMD Ltd

Type of application : For recovery of all or part of a prohibited payment or holding deposit: Tenant Fees Act 2019

Tribunal : Tribunal Judge N O'Brien

Date of determination : 23 February 2026.
2 March 2026

AMENDED DECISION

"We exercise our powers under Rule 50 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 correct the clerical mistake, accidental slip or omission at paragraph xx of our Decision dated 23 February 2026. Our amendments are made in bold red type. We have corrected our original Decision because of a typographical error"

- (1) The application is dismissed.
- (2) The Respondents do pay the application fee of £114 which the Applicant has paid within 28 days of this determination.

BACKGROUND

1. This is an application for an order for the recovery of a holding deposit paid in respect of 38-40 Station Road, London DA1 3QG pursuant to section 15 of the Tenant Fees Act 2019. The application was sent to the tribunal on 15 August 2025.
2. The application form and supporting documents assert that on 25 July 2025 the Respondents received payment of £279.00 from the Applicant as a holding deposit but that, despite several requests, the Respondent has not repaid the deposit.
3. It is not in dispute that the sum was a holding deposit within the meaning of the Tenant Fees Act 2019 and that it was paid at the request of the First Respondent into an account in the name of the Second Respondent. Consequently the Tribunal is empowered to order recovery of all or part of that amount from the Respondents if it remains unpaid.
4. Directions were issued by the tribunal on 25 December 2025, and the matter was set for a determination on the papers unless one or both of the parties requested an oral hearing. Neither party requested a hearing and the matter has been determined on the basis of the documents which the parties have sent into the tribunal.
5. The directions required the Respondents to file a statement of case by 19 January 2026 and any supporting documents and gave permission to the Applicant to file a brief reply by 30 January 2026.
6. On 13 January 2026 the Respondents filed a statement of case asserting that the sums had been repaid in full to the Applicant and exhibiting correspondence with its bank indicating that they had authorised a refund of the sum of £279 on or about 19 August 2025.
7. The Applicant did not file a reply to the Respondent's statement of case.
8. On 21 February 2026 in response to a query from the tribunal, the Respondents filed further evidence in support of its case, including confirmation from its bank that the Applicant had been refunded in two tranches paid on 1 September 2025 and 1 January 2026 respectively.
9. The Applicant's case as set out in her application is that on 26 July 2025 she paid the sum of ~~£276~~ **£279** to an account in the name of the Second Respondent as a holding deposit in respect of the premises known as 38-40 Station Road DA1 3QG which was being advertised for rent by the Respondents. She attended the Respondent's office on 30 July 2025 but decided not to proceed any further with the tenancy. She was advised

that her holding deposit would be refunded. Her case is that it was not refunded despite several requests.

10. The Respondents case is that the deposit was refunded albeit late. It appears that when the refund was not sent to the Applicant, she made a complaint to the Second Respondent's bank which resulted in its business account being suspended. The Respondent has exhibited bank records indicating that it authorised its bank to refund the deposit on 19 August 2025. This was after the Applicant had applied to the tribunal for an order under s.15 of the Tenant Fees Act 2019 for refund of the holding deposit. As set out above, it appears that the refund was not completed in full until 1 January 2026.

The Law

11. Section 15 of the Tenants Fees Act 2019 provides;

Recovery by relevant person of amount paid

(1) Subsection (3) applies where—

(a) a landlord or a letting agent breaches section 1 or 2, as a result of which the landlord or letting agent, or a third party, receives a prohibited payment from a relevant person, and

(b) all or part of the prohibited payment has not been repaid to the relevant person.

(2) Subsection (3) also applies where—

(a) a landlord or letting agent breaches Schedule 2 in relation to a holding deposit paid by a relevant person, and

(b) all or part of the holding deposit has not been repaid to the relevant person.

(3) The relevant person may make an application to the First-tier Tribunal for the recovery from the landlord or letting agent of—

(a) if none of the prohibited payment or holding deposit has been repaid to the relevant person, the amount of the prohibited payment or holding deposit;

(b) if part of the prohibited payment or holding deposit has been repaid to the relevant person, the remaining part of the prohibited payment or holding deposit.

12. Schedule 2 to the Tenant Fees Act 2019 requires the person to whom a holding deposit has been paid to return it within 7 days of the deadline for agreement, being 15 days after it was paid by the prospective tenant.
13. The tribunal is satisfied that the Applicant has been repaid the deposit in full. She has not filed any response indicating that she is disputing the Respondents' statement of case which states that she was refunded in full, albeit late.
14. Subsequent information supplied by the Respondent indicates that the Applicant was refunded in two tranches of ~~£176~~ **£179** paid on 1 September 2025 and £100 on 1 January 2026. This was after the Applicant had issued this application and some considerable time after the deadline for payment set out in Schedule 2 to the Tenant Fees Act 2019 had passed. Consequently the Tribunal orders the Respondents to repay the application fee of £114 within 28 days of this determination.

Name Judge N O'Brien

Date 23 February 2026

2 March 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).

