



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

Case reference : **LON/00AG/HMB/2025/0011**

Property : **Basement Flat, Colonial Building, 59-61
Hatton Garden Rear Building, London
EC1N 8LS**

Applicant : **Stephanie Webster**

Representative : **I/P**

Respondent : **H Company 2 Limited**

Representative : **Ms Ceri Edmonds, counsel**

Type of application : **Rent Repayment Order**

Tribunal : **Judge Tagliavini
Mr R Waterhouse FRICS**

Date of Hearing : **26 January 2026**
Date of Decision : **6 March 2026**

DECISION

The tribunal's summary decision

- (i) The tribunal finds the applicant has failed to prove her claim for a rent repayment order and therefore, refuses the application.
-

The application

1. This is an application made pursuant to s.41(1) Housing and Planning Act 2016. The applicant alleges the respondent has committed an offence under s.1(2) Protection from Eviction Act 1977 and seeks a rent repayment order (RRO) for the period 1 May 2024 to 30 April 2025 in the sum of £22,650.

The background

2. The premises at 59-61 Hatton Garden Rear Building, London EC1N 8LS is part of a mixed commercial and residential building in which there is a basement flat which was occupied by the applicant from 1 November 2023 to 30 April 2025. The applicant's grounds include alleged offences under the Protection from Eviction Act 1977 for unlawful eviction and harassment. The applicant also seeks to rely on alleged environmental and fire safety defects although these do not form offences for which a RRO is payable.
3. The respondent has denied the alleged offence and asserts the applicant had voluntarily vacated the subject property on the date it's agents re-entered on 2 May 2025, having previously served a s.21 Housing Act 1988 Notice on 3 December 2024 seeking possession after 30 April 2025.

The hearing

4. The tribunal was asked to determine as a preliminary issue as to whether the respondent could rely on further documents submitted on 9 December 2025, comprising a bundle of 33 pages. As there was no substantive objection to this application or prejudice caused, the tribunal permitted the respondent to rely on these documents.
5. At the oral hearing, the applicant appeared in person. The respondent was represented by Ms Ceri Edmonds, counsel. The applicant relied on a digital bundle of 268 pages. The respondent provided the tribunal with digital bundles of 73 pages and 33 pages. In addition the applicant gave oral evidence. Mr Alexander Jones of the Max Barney Estate (trading name of Max Barney Ltd), who managed the subject property on behalf of the respondent, also gave oral evidence to the tribunal.
6. The tribunal was also provided with a witness statement dated 13 November 2025 from Patrick Mansex of Elkay Properties Limited who

let the property on the respondent's behalf and took instruction from Max Barney Estate. The documents also included a number of photographs depicting the premises on 2 May 2025 showing it empty and devoid of all furniture and personal belongings.

The Law

7. Section 1(2) of the Protection from eviction Act 1977 provides:

A person commits an offence if they unlawfully deprive the residential occupier of any premises of his occupation of the premises or any part thereof, or attempts to do so, unless he proves that he believed, and had reasonable cause to believe, that the residential occupier had ceased to reside in the premises

8. The burden of proof is on the applicant to satisfy the tribunal beyond all reasonable doubt, that the offence alleged was committed by the respondent . Having heard and considered the applicant's written and evidence, the tribunal determines Ms Webster has failed to prove she was unlawfully deprived of her occupation of the subject as alleged or at all.
9. The tribunal finds the respondent served a valid s.21 Notice and that the applicant acted on this and vacated the premises on or before 30 April 2025. At the hearing, the applicant accepted she had received this Notice despite having previously alleged the respondent had failed to serve a s.21 Notice.
10. The tribunal also had regard to the written messages exchanged between the parties showing the applicant's intention to leave, albeit reluctantly by 30 April 2025. The tribunal also accepted that the photographs provided by the respondent, showing the empty state of the subject premises on 2 May 2025 and which unequivocally indicated the applicant had already vacated the property.
11. The applicant also told the tribunal that she had moved her possessions out of the subject property and was staying with a friend on 30 April 2025. The applicant told the tribunal '*...nothing left at all in flat as I had taken everything.*'
12. The tribunal accepts it was necessary for the respondent to have to arrange for a locksmith to attend as the applicant told the tribunal she had previously changed the locks on the front entrance door without informing the landlord. The tribunal finds the applicant was not harassed by the respondent during her occupation of the premises due to the emails and messages sent by the respondent enquiring when/if she had left and if she wanted to accept the offered alternative accommodation.

13. In an expanded statement of case the applicant asserted
- ‘On 2 May 2025, Elkay Properties staff entered the flat and changed the locks without consent order or court order.’*
14. The applicant also asserted she had video evidence that records the forced entry and removal of possessions. The applicant told the tribunal she had stopped responding to the respondent’s messages asking her if she wanted to accept alternative accommodation; when she would hand over the keys or if she had vacated the premises because *‘she felt disrespected.’*
15. The tribunal finds these assertions are inaccurate as although the respondent admitted having used a locksmith to gain entry due to the applicant not being present and having changed the lock, there were no possessions to remove as of 1 and 2 May 2025. Further, the tribunal finds the applicant did not have or obtain any video or any evidence of her possessions being removed by the respondent.
16. The tribunal accepts the respondent’s evidence that when its agents entered the flat on 2 May 2025 it was empty and appeared to have been professionally cleaned. The tribunal finds the respondent had no reason to believe the applicant wanted to or would return to the subject premises.
17. Although, the applicant also made complaints about the pigeon hazard and fire and environmental issues these do not provide an offence under which a RRO is payable and therefore, the tribunal is not required to determine these issues, the applicant having failed to prove the substantive offence was committed by the respondent as alleged.
18. In conclusion, the tribunal finds the applicant has failed to prove the respondent committed the offence as alleged and refuses the application for a RRO.

Name: Judge Tagliavini

Date: 6 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 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).