



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

Case reference : LON/00AP/HMF/2025/0823

Property : 6A Sylvan Avenue, London N22 5HX

Applicants : Kamil Aljebari & Lavana Aljebari

Representative : I/P

Respondent : David Arnold Stennett

Representative : Mrs Orleen Stennett

Type of application : Rent Repayment Order

Tribunal : Judge Tagliavini
Mr J Stead

Date of Hearing : 9 March 2026
Date of Decision : 12 March 2026

DECISION

The tribunal's summary decision

- (i) The tribunal finds the applicants have failed to prove his claim for a rent repayment order.
 - (ii) Further and alternatively the tribunal finds the respondent has successfully relied upon a defence of 'reasonable excuse.'
 - (iii) Therefore, the tribunal refuses the application.
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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 of having the control and management of an unlicensed property that required a licence under the London borough of Haringey's selective licensing scheme.

The background

- 2. The subject premises at **6A Sylvan Avenue, London N22 5HX** ('the property') comprised a two bedroom maisonette. A tenancy was granted to the applicants by the respondent with effect from 28 February 2025 for a period of 12 months at a rent of £1950.00 per month granting them occupation of the whole of the subject property as a single household.
- 3. The applicants claimed a rent repayment order (RRO) for the period 28/2/2025 to 30/3/2025 in the sum of £3,397.30. In addition, the applicants made a number of claims for damages in respect of a number of:
 - 1. Non-Compliance with Tenancy Deposit Protection Requirements
 - 2. Breach of Contract and Failure to Provide Habitable Premises at Commencement of Tenancy
 - 3. Unlawful HMO Practices and Harassment by Former Occupants and Bailiffs
 - 4. Breach of Electrical Safety Regulations and Misrepresentation of Utility Responsibility
 - 5. Failure to Maintain and Repair Property in Breach of Section 11 Landlord and Tenant Act 1985
 - 6. Denial of Amenity: Garden Rendered Unusable

7. Harassment and Unlawful Communication by Landlord
 8. Failure to Obtain Mandatory Licensing under Haringey Council Regulations
3. Although the landlord in the tenancy agreement was named as Headlines (Hair & Beauty Supplies) Limited, neither party took issue with David Stennett being named as the respondent as he had acted as the landlord's agent and had received the rent paid by the applicants. In addition he was named as the Licence Holder in the selective licence that was granted with effect from April 2025.

The hearing

4. At the oral hearing of the application both parties represented themselves with Mrs Stennett assisting the respondent. The applicants provided the tribunal with a digital bundle of 44 pages and a further 2 page witness statement. The respondent relied on a digital bundle of 49 pages. The tribunal also heard oral evidence from both parties.
5. The applicants asserted the respondent failed to obtain a selective licence until 22 April 2025 and therefore, the property had been unlicensed from the commencement of the tenancy until the date the licence was granted.
6. The respondent asserted that he had attempted to apply for a selective licence on several occasions before the start of the tenancy but experienced multiple failures of Haringey 's Property Licensing system website. On 20 February 2025, the respondent wrote in an email addressed to Haringey 's Property Licensing system website which stated:

I am trying to apply for a selective license for the property above but am struggling to apply on line and making contact via phone; and

*Dear Haringey,
I require a selective license re the above property address commencing 28/02/2025. The Haringey website is not allowing me to progress online so I require a little assistance.*

7. On the same date Haringey 's Property Licensing system responded:

If you need help with application please email me directly.

8. On 11 March 2025, the Haringey Licensing took a payment of £374.50 and on 31 March 2025, it issued a Notice of Intention to grant a licence. Subsequently, on 23/04/2025 a Selective Licence was granted in the name of Davit Stennett for a period of 5 years.

The Law

9. The burden of proof falls on the applicants and requires them to establish beyond all reasonable doubt to the criminal standard of proof, that each element of the offence alleged has been committed by the respondent. Sections 95(1)(3) and (4) of the 2004 Act provides:

Offences in relation to licensing of houses under this Part

(1)A person commits an offence if he is a person having control of or managing a house which is required to be licensed under this Part (see section 85(1)) but is not so licensed.

...

(3)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 86(1), or

(b)an application for a licence had been duly made in respect of the house under section 87, and that notification or application was still effective (see subsection (7)).

(4)In proceedings against a person for an offence under subsection (1) or (2) 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)

The tribunal's reasons

11. The tribunal finds that on 20 February 2025 the respondent made a valid application for a selective licence in respect of the subject property. Consequently, on the date the tenancy was granted on 28 February 2025, no offence pursuant to s.95(1) Housing Act 2004 was being committed.
12. Further, the tribunal accepts the respondent's evidence that he experienced repeated problems with Haringey's Property Licensing system website and that these were due to Haringey and not the respondent and therefore, were out of his control. Therefore, the tribunal finds that if a valid application for a valid licence had not been made until payment was taken on 11 March 2025, the respondent had a reasonable excuse for not having applied for a licence before the start of the applicants' tenancy.
13. The tribunal therefore finds the applicants have failed to prove the respondent committed the offence of having the control or management

of an unlicensed property pursuant to 72(1) Housing Act 2004. Further, the tribunal finds that in any event the respondent established a defence of 'reasonable excuse' as he made multiple efforts to obtain a selective licence before the commencement of the tenancy but was prevented from doing so by Haringey 's Property Licensing system.

14. As the applicants have failed to prove the commission of an offence the tribunal is not required to consider the issue of quantum of any RRO.
15. In conclusion, the tribunal refuses the application for a RRO.

Name: Judge Tagliavini

Date: 12 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).