



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

Case Reference : **HAV/00HB/HMF/2025/0614**

Property : **31 Hebron Road Bedminster Bristol
BS3 3AD**

Applicants : **Lovell Christian Millar**

Representative : **Mr James Cairns
Justice for Tenants**

Respondent : **Patricia May Stanbrook**

Representative : **The respondent did not appear and
was not represented**

Type of Application : **Application for a rent repayment
order by tenant - Housing and
Planning Act 2016**

Tribunal Member : **Mr Charles Norman FRICS
Valuer Chairman
Mr Johann Reichel MRICS
Mr Mike Jenkinson**

Venue/Date of Hearing : **Bristol Magistrates' Court,
19 December 2025**

Date of Decision : **24 March 2026**

DECISION

Decisions of the Tribunal

1. The Tribunal makes a Rent Repayment Order in favour of the Applicant in the sum of £3,939.
2. The Tribunal determines that the Respondent shall also re-imburse the Applicant his application and hearing fees paid to the Tribunal within 28 days.

Reasons

Background

3. On 15 June 2025 the applicant applied for a rent repayment order (RRO) under section 41 of the Housing and Planning Act 2016 (“the 2016 Act”). He is a former tenant of a room in a shared four bedroom flat. The room is referred to as the “Downstairs Right Inner Bedroom” of 31 Hebron Road Bedminster Bristol BS3 3AD.
4. The basis of the application was that the property had been let as an unlicensed HMO contrary to section 72(1) of the Housing Act 2004. The rented property was situated within an additional and selective licensing area as designated by Bristol City Council. The monthly rent was £575 payable on 1st of each month, inclusive of bills.

Directions

5. On 29 September 2025, the Tribunal gave Directions requiring a face-to-face hearing. In accordance with the directions the Applicants served a Bundle of 150 pages. The Respondent did not serve a statement of case.

The Hearing

6. The hearing took place at Bristol Magistrates Court. Mr James Cairns represented the applicant. The son of the Respondent, Mr Craig Sandbrook sought to represent the respondent. The Tribunal said that he would need to obtain a notice of representation from the respondent, under rule 14. This could be sent electronically to the Tribunal. Alternatively, Mrs Stanbrook could attend the hearing and authorise Mr Sandbrook to act. The Tribunal was prepared to adjourn for one hour to allow either of these courses. However, Mr Sandbrook said that the respondent was unwell and he could not obtain a notice of representation. The Tribunal therefore declined to hear from him but invited him to remain as an observer.

The Applicant's Case

7. The amount of RRO sought was £6,900 for the period 6 June 2024 to 5 June 2025. No universal credit or housing benefit was received by the applicant in respect of that period. The landlord was liable to pay for utilities including council tax. No details were available. The Tribunal should therefore find that no deduction should be made or alternatively rely on its own judgment of quantum.
8. *Newell v Abbott* [2024] UKUT 181 (LC) at [47]-[57] provides a summary of the Upper Tribunal's recent decisions regarding the seriousness of licensing offences. The Upper Tribunal assessed that case at an RRO of 60% without putting weight on either party's conduct. The present offence is more serious as (i) the property was improperly unlicensed from 2022 until mid-2025, (ii) there was significant disrepair with an outside leak soaking a carpet and ceiling disrepair (iii) there was mould present and (iv) the landlord did not engage with the tenant. For these reasons 75% of the rent paid as an RRO was a starting point.
9. In terms of factors under section 44(4), the respondent does not have previous convictions, nor is there evidence of the landlord's financial circumstances. As to conduct, the applicant has behaved properly. As to the respondent, her conduct and that of her agent was poor, as a result of a delay in supplying the tenancy agreement, lost keys carrying an excessive charge of £500, the outdoor area being used to store rubbish and the landlord's excuses to avoid repair work. A 5% uplift to *Newell* was justified. The application and hearing fee should be refunded.
10. Mr Millar was called to give evidence. He had served a witness statement verified by a statement of truth. His evidence insofar as relevant may be summarised as follows. The property was the applicant's main residence. He had had to chase the landlord for a copy of his tenancy agreement. Replacement keys were to cost £500 should he lose them. When he moved in on 6 December 2023 there were already 3 other tenants living there, David Campagno, John Frawley and Alex Preston. Subsequently there were changes of tenants. He saw no evidence of a gas safety check being done once a year. There were water leaks coming inside through a damaged section of wall, which caused the hallway carpet to become damaged. The outside yard was used as a dumping ground. The landlord delayed resolving these issues. A senior environmental health officer and her colleague from Bristol City Council inspected on 3 February 2025. The other residents were complete strangers. From questions put by the tribunal, it emerged that one tenant worked in a supermarket another was a window fitter and another worked in Fowler's motorcycle shop. Another tenant was a medical doctor (GP).
11. A short witness statement from Cara Guthrie Private Sector Team Leader Bristol City Council was also provided, although Ms Guthrie did not attend the hearing. Ms Guthrie's evidence was that on 14th December 2021,

Bristol City Council formally designated the Bedminster, Brislington West, and Horfield electoral wards as areas subject to additional licensing, and the Bedminster and Brislington West wards as areas subject to selective licensing. These designations came into effect on 6th April 2022. On 12th October 2025, Patricia Stanbrook submitted an HMO licence application for 31 Hebron Road. Payment of the Part 1 licence fee was made as part of the licence application. Payment of the Part 2 licence fee has not yet been requested. Between 6th April 2022 and 11th October 2025, there was no licence, temporary exemption, or interim or final management order in force in respect of 31 Hebron Road.

12. An exhibited email from Rebecca Gilbert of the Council to Mr Millar dated 6 March 2025 stated that “a licence is required for an HMO (house in multiple occupation) when it is located in one of scheme areas and is occupied by at least three people, who don't make up a single household where it is their main or only residence and who share a bathroom, toilet or cooking facilities.”

The Respondent's Case

13. The Respondent did not serve a statement of case, written representations or a skeleton argument.

The Law

14. Section 61 of The Housing Act 2004 Act provides for every prescribed HMO to be licensed. HMOs are defined by section 254 which includes a number of “tests”. Section 254(2) provides that a building or a part of a building meets the “standard test” if:

“(a) it consists of one or more units of living accommodation not consisting of a self-contained flat or flats;

(b) the living accommodation is occupied by persons who do not form a single household (see section 258);

(c) the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it (see section 259);

(d) their occupation of the living accommodation constitutes the only use of that accommodation;

(e) rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation; and

- (f) two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation is lacking in one or more basic amenities.”
15. Separately, section 56 empowers a local housing authority (“LHA”) to designate an area to be subject to additional licensing. On the evidence on 1 June 2023 the Local Housing Authority introduced additional licensing of premises consisting of 2 or more non-related households with 3 or more people sharing facilities such as a bathroom or a kitchen.
16. Section 263 provides:
- “(1) In this Act “person having control”, in relation to premises, means (unless the context otherwise requires) the person who receives the rack-rent of the premises (whether on his own account or as agent or trustee of another person), or who would so receive it if the premises were let at a rack-rent.
- (2) In subsection (1) “rack-rent” means a rent which is not less than two-thirds of the full net annual value of the premises. [...]
17. Section 72 specifies a number of offences in relation to the licencing of HMOs. The material parts provide:
- “(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.
[...]
(5) In proceedings for an offence ...it is a defence that he had a reasonable excuse ...”
18. Section 40(3) of the 2016 provides that the offence of control or management of unlicensed HMO contrary to section 72(1) of the 2004 Act is an offence that gives rise to a potential rent repayment order.
19. Section 41 provides that a tenant may apply to the First-tier Tribunal for a rent repayment order against a person who has committed an offence to which this Chapter applies. The offence under s 72(1) must be committed in the period of 12 months ending with the day on which the application is made.
20. Section 43 provides that The First-tier Tribunal may make a rent repayment order if satisfied, beyond reasonable doubt, that a landlord has committed an offence to which this Chapter applies (whether or not the landlord has been convicted).

21. By section 44(2) the amount must relate to rent paid during the period when the landlord was committing the offence, not exceeding 12 months. Section 44(3) provides that the amount must not exceed the rent, less any relevant award of universal credit paid (to any person) in respect of rent under the tenancy during that period.

22. Section 44(4) provides:

“(4) In determining the amount the tribunal must, in particular, take into account—

(a) the conduct of the landlord and the tenant,

(b) the financial circumstances of the landlord, and

(c) whether the landlord has at any time been convicted of an offence to which this Chapter applies.”

23. In *Acheapong v Roman* [2022] UKUT 239 (LC) (cited by the Respondent), Upper Tribunal Judge Elizabeth Cooke gave guidance. The Judge stated:

“20. The following approach will ensure consistency with the authorities:

a. Ascertain the whole of the rent for the relevant period;

b. [...]

c. Consider how serious this offence was, both compared to other types of offence in respect of which a rent repayment order may be made (and whose relative seriousness can be seen from the relevant maximum sentences on conviction) and compared to other examples of the same type of offence. What proportion of the rent [...] is a fair reflection of the seriousness of this offence? That figure is then the starting point (in the sense that that term is used in criminal sentencing); it is the default penalty in the absence of any other factors, but it may be higher or lower in light of the final step:

d. Consider whether any deduction from, or addition to, that figure should be made in the light of the other factors set out in section 44(4).

21. I would add that step (c) above is part of what is required under section 44(4)(a). It is an assessment of the conduct of the landlord specifically in the context of the offence itself; how badly has this landlord behaved in committing the offence? I have set it out as a separate step because it is the matter that has most frequently been overlooked.”

24. These guidelines have recently been affirmed by the Deputy President of the Upper Tribunal (Lands Chamber), in *Newell v Abbott* [2024] UKUT 181 (LC). This included a review of *Hallett v Parker* [2022] UKUT 165 (LC) (as referred to by the Respondent). The Deputy President distinguished between the professional “rogue” landlord, against whom a RRO should be made at the higher end of the scale (80%) and the landlord whose failure was to take sufficient steps to inform himself of the regulatory requirements (25%).

Discussion and Findings

The Offence of control or management of an unlicensed HMO

25. The Tribunal accepted Ms Guthrie’s evidence. The Tribunal found Mr Millar to be a reliable witness. It therefore finds that at least 3 persons occupied the property as their main or only home, that they were unrelated and formed separate households with shared use of facilities.
26. For the above reasons, the Tribunal is satisfied beyond reasonable doubt that the Respondent is guilty of an offence under section 72(1) of the 2004 Act of having control of or managing an HMO which is required to be licensed but was not so licensed.

The Assessment of the RRO

27. The Applicant seeks RROs in the sum of 100% of the qualifying rent for £6,900 for the period 6 June 2024 to 5 June 2025. The Tribunal must first determine the whole of the rents of the relevant periods. The Tribunal is satisfied that an offence was committed throughout this period.
28. The Tribunal must then consider the seriousness of the offence. The Upper Tribunal has held that licensing offences are less serious than other offences giving rise to RROs.
29. The Tribunal must then have regard to the following:

- (a) The conduct of the landlord.

The Tribunal has found the following aggravating factors: (i) the offence was committed over an extended period (ii) there was some water ingress and disrepair but the Tribunal considered this relatively limited in nature (iii) failing to provide copies of safety certificates. A mitigating factor was the subsequent application for a licence. The Tribunal does not consider the possible cost for key replacement to be inherently unreasonable depending on the circumstances and if the locks needed changing.

- (b) The conduct of the tenant.

There is no suggestion that the tenant conducted himself improperly.

(c) The financial circumstances of the landlord. There is no evidence.

(d) Whether the landlord has at any time been convicted of an offence to which this Chapter applies. There is no relevant conviction.

30. In addition, the Tribunal finds that utilities should be deducted but should be limited to the gas, electricity water broadband and TV licence. It finds that council tax is not a utility. Detailed costs were not made available, but the tribunal assesses these per month for the room as water £11.50, gas/electricity £45, broadband £7.50 and TV licence £3.30. This aggregates to £67, say £70 per month. The deduction is therefore £70 per month.
31. Taking all relevant factors into account, the Tribunal makes a RRO in the sum of 65% of the relevant rent.
32. The calculation of the RRO is therefore £575 per month less £70 per month for utilities totalling £505 per month. This aggregates to a relevant rent of £6,060. Therefore 65% of the relevant rent results in an RRO £3,939.
33. The Tribunal also determines that the Respondent must reimburse the Applicant his Tribunal application and hearing fees within 28 days.

Date : 24 March 2026

RIGHTS OF APPEAL

1. 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.
1. 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.
2. 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.

3. 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.