



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

Case Reference : **BIR/00CN/HNA/2026/0015**

Property : **22 Preston Road, Winson Green,
Birmingham B18 4PL**

Applicant : **Herjyot Dharni**

Respondent : **Birmingham City Council
(Mandeep Sangha/ Ghazanfar Ali
BCC-754786038041H)**

Type of Application : **Financial Penalty**

Date : **14th April 2026**

DECISION

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1. On 11th March 2025 the Respondent imposed a Financial Penalty of £11,250 in respect of an offence contrary to section 95(1) of the Housing Act 2004 (Selective Licensing).
2. Appeal provisions are set out in paragraph 10 of Schedule 13A to the Housing Act 2004. As no time limit for starting proceedings is prescribed Rule 27(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 applies:

“Where the notice of application relates to a right to appeal from any decision (including any notice, order or licence), the applicant must provide the notice of application to the Tribunal within 28 days after the date on which notice of the decision to which the appeal relates was sent to the applicant.”
3. The 28-day time limit expired on 8th April 2025. The Applicant has requested an extension of time for appealing under Rule 6(3)(a).
4. Unless the Tribunal extends time for appealing the Tribunal must strike out these proceedings under Rule 9(2)(a) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 because the appeal was made outside the 28-day period.

Chronology

5. Officers attended at the property in November 2024 and also on 22nd and 29th January 2025. The officers visit established that the property was occupied and rented.
6. On 29th January 2025 the Applicant submitted a Selective Licence application.
7. On 3rd February 2026 the Respondent issued Notice of Intent to issue to impose a Financial Penalty. No representations were made by the Applicant.
8. The Financial Penalty was issued on 11th March 2025.
9. On 30 April 2025, the Applicant sent an email to the Respondent confirming that she had received correspondence regarding the penalty.
10. On 23rd May 2025 the Applicant sent an email to the Tribunal indicating that she wished to appeal a Financial Penalty. The grounds of appeal set out in the email are that the Applicant obtained a Selective Licence prior to the issue of the Financial Penalty. On 27th May 2025 the Applicant sent a further chaser email to the Tribunal.
11. On 29th May 2025 the Tribunal responded to the Applicant and advised her that if she wished to make an application, she should visit the Tribunal’s website. The Applicant was also provided with a leaflet setting out where to obtain free legal advice.

12. During June 2025, multiple emails were exchanged between the Respondent and the Applicant in which the Applicant sought amendment or withdrawal of the penalty.
13. On 20 August 2025, the Applicant instructed solicitors who corresponded with the Respondent.
14. On 26th August 2025 the Applicant sent an email to the Tribunal indicating that she had been unwell and asking for an extension of time. The application was accompanied by a letter from RSVP confirming that the Applicant was receiving counselling. The following day, 27th August 2025, the Applicant sent a further email to the Tribunal enclosing Order 1 application for an extension of time.
15. On 28th August 2025 the Tribunal again advised the Applicant to visit the Tribunal's website to obtain an application form.
16. On 9 September 2025, the Applicant's solicitor confirmed that her health had improved and requested reconsideration. Also, on 9th September 2025 the Applicant again emailed the Tribunal to ask if her application form had been received and enquiring when the matter would be listed for hearing.
17. On 9th October 2025 the Tribunal responded and apologised for the delay. The Tribunal indicated that on 27th August 2025 an Order 1 (application for extension of time) had been received by the Tribunal but that the form was blank and had not been completed.
18. On 22nd January 2026 the Tribunal received an urgent email from a representative of the Respondent who was present at Birmingham County Court awaiting hearing of an enforcement application in respect of the Financial Penalty at 11 a.m. on that morning. The Respondent email enclosed partial screen shot of completed Order 1
19. At 5.41 p.m. on 22nd January 2026 the Tribunal received an application form duly completed.

The Applicant's Case

20. The Applicant has filed "Written Statement Explaining Delay in Filing Appeal" dated 13th February 2026.
21. The Applicant explains that shortly after the issue of the Financial Penalty she was the victim of an assault which had a profound effect on her mental health. She was required to relocate which "*added further instability and disruption, including difficulties with accessing correspondence, managing paperwork, and maintaining consistent communication*".
22. Following the assault the Applicant received specialist counselling from RSVP.
23. By April 2025 the Applicant describes herself as in a "*more stable position and able to address legal matters*". She was able to make contact with the Respondent in April

2025 seeking an informal resolution. She first contacted the Tribunal on 23rd May 2025. Although she was able to request an extension of time on 27th August 2025, she was still receiving counselling and her mental health continued to impact her ability to undertake administrative tasks.

The Respondent's Case

24. The Respondent filed "Response to Application for Extension of Time" on 27th February 2026.
25. The Respondent opposes any extension of time and invites the Tribunal to strike out the application. Whilst accepting that the Applicant was the victim of a serious assault, the Respondent argues that the delay is substantial. The Applicant has not demonstrated that the delay was caused by circumstances which prevented her from appealing within time or within a reasonable period thereafter.
26. The Applicant's level of engagement in April, June and August 2025 is inconsistent with an inability to complete and lodge a properly completed application form with the Tribunal. The Respondent submits that The Applicant has not adequately explained why no appeal was filed within 28 days, why no appeal was filed promptly after May 2025, why no appeal was filed after instructing solicitors in August 2025, or why the delay continued after September 2025 when it would appear that her health had improved.
27. At Paragraph 40 of the Response the Respondent submits that the policy underlying the 28 day time limit is "*the selective licensing regime relies on timely enforcement*". At Paragraph 44 the Respondent concludes: "*granting an extension many months out of time would undermine statutory finality and create uncertainty in enforcement.*"

Deliberation

28. The Financial Penalty was imposed on 11th March 2025. The 28 day time limit expired on 8th April 2025. It is not disputed by the Respondent that the Applicant was the victim of a serious assault shortly after the imposition of the Financial Penalty. The Applicant was able to confirm receipt of the penalty to the Respondent at the end of April 2025. The parties then entered into an email exchange in June 2025 during which the Applicant (unsuccessfully) sought reconsideration of the Financial Penalty. By August 2025 the Applicant has instructed a solicitor who corresponded with the Respondent on her behalf into September 2025.
29. The Applicant first contacted the Tribunal on 23rd May 2025 indicating that she wished to appeal. That is a little over 6 weeks after the expiry of the 28 day time limit. The Applicant was advised to visit the Tribunal's website. The Applicant next contacted the Tribunal on 26th August 2025. The Applicant was again advised to visit the Tribunal's website.

30. Duly completed application form was not received until 22nd January 206 which was the date on which the parties appeared before Birmingham County Court in connection with enforcement proceedings. The delay is approximately 10 months.
31. The Applicant's ground of appeal appears to be that the Notice of Intent was issued after she had applied for a Selective Licence. Under those circumstances the Applicant's case that a final penalty of £11,250 was excessive is clearly arguable.

The Law

32. The approach to be taken is set put by the Upper Tribunal in **Rafiul Islam v Thanet District Council** [2025] UKUT 281 (LC). The Tribunal must consider the matter in three stages:
 - (1) *assessing the seriousness of the relevant failure to comply with a tribunal rule or procedure;*
 - (2) *considering why the default occurred; and*
 - (3) *evaluating all of the relevant circumstances to enable the tribunal to deal fairly and justly with the case.*
33. The Applicant contacted the Tribunal on 23rd May 2025. That was a little over 6 weeks after expiry of the 28 day time limit and cannot be characterised as lengthy. Delay is readily explained as a consequence of the Applicant having been the victim of a serious assault. However, the overall delay until a completed application was lodged on 22nd January 2026 is clearly serious.
34. I have no doubt that the pattern of engagement and withdraw by the Claimant set out in the chronology above is entirely consistent with a variable mental health condition with periods of improvement and subsequent relapse. The Applicant has shown a good reason as to why the default occurred.
35. At the third stage the Respondent has not suffered any real prejudice. The Respondent was fully aware that the Claimant disputed the Financial Penalty and of her mental health. Indeed, the Respondent entered into discussions both with the Applicant in June 2025 and with her solicitor in August and September 2025 long after the 28 day period had expired.
36. By contrast the financial penalty of £11,250 is significant. The Applicant has an arguable case and it would not be proportionate to strike out the application.

Decision

37. Time for appealing the Financial Penalty imposed on 11th March 2025 is extended to 22nd January 2026.

38. The application is not struck out.

D Jackson
Regional Judge

Either party may appeal this Decision to the Upper Tribunal (Lands Chamber) but must first apply to the First-tier Tribunal for permission. Any application for permission must be in writing, stating grounds relied upon, and be received by the First-tier Tribunal no later than 28 days after the Tribunal sends its written reasons for the Decision to the party seeking permission.