FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case reference	**:**	**LON/00AG/HNA/2025/0701**
Property	**:**	**127 Stanhope Street, London NW1 3LR**
Applicant	**:**	**Mr John Roberts**
Representative	**:**	**Ms Kiran Sharma**
Respondent	**:**	**The Mayor and Burgesses of the London Borough of Camden**
Representative	**:**	**Mr Stephen Evans, counsel**
Type of application	**:**	**Appeal against Financial Penalty Notices**
Tribunal	**:**	**Judge Tagliavini** **Mrs L Crane**
Date of Hearing **Date of Decision**	**:**	**16 March 2026** **7 May 2026**

DECISION

The tribunal's decision

(1.) The tribunal confirms the four Final Penalty Notices served on the applicant.

The application

1. This is an application made under s.249A and Schedule 13A Housing Act 2004, seeking to appeal the imposition of four financial penalties in respect of four Financial Penalty Notices in the total sum of £40,000.

The background

2. The subject property at **127 Stanhope Street, London NW1 3LR** ('the property) is a maisonette on the ground and first floor of a 2-storey purpose built block of flats. The property comprises four rooms that are used as sleeping accommodation with shared use of kitchen and bathroom/w.c. Bedroom 1 and the shared kitchen are on the ground floor and bedrooms 2, 3, 4 and shared bathroom/w.c. are on the first floor.

3. The long-leaseholder of the flat is Mr Sunny Loganathan Visvanathan pursuant to a 125 year lease granted on 23 December 1996. The applicant is his (apparent)managing agent although the leaseholder subsequently entered into a letting agreement with City House Platform Limited despite the HMO licence being granted to the applicant.

4. On 20 July 2020, a HMO licence was granted to the applicant for a period of 5 years subject to conditions including a Schedule of works. An inspection of the property was arranged as an unannounced visit for the reason in order to ascertain if the conditions imposed on the grant of the HMO licence had been carried out.

5. The inspection was carried out by Ms Grace Musodza, Housing Health Practitioner and Mr Robert Page, Housing Enforcement Officer on behalf of the respondent took place on 23rd April 2024 at 08:00. One of the tenant, Alex Capp, granted us access. Another tenant Amita Samyal arrived at the property and the tenants both confirmed that there were a further 2 tenants who lived in the property. They also confirmed that they all shared the bathroom/toilet and the kitchen facilities and subsequently provide copies of their tenancy agreements.

6. The Schedule of Works provided on the grant of the HMO licence stated that schedule items 1-5 to be completed within 6 months of the date of issue of this licence, i.e. 20 July 2020. The remainder of items were to be completed within 1 year of the date of issue of the HMO licence. All the items requested on the Schedule of Works were therefore supposed to be completed before or by 20 July 2021.

7. After the inspection was concluded the respondent determined the applicant had not complied with the Schedule of Works and served Notices of Intent to issue a Financial Penalty dated after having given consideration to the guidance provided when determining the level of financial penalty and (i) the number and nature of the licence condition breaches and (ii) the nature and extent of deficiencies within each specified licence condition.

8. The final financial penalty notices under appeal are:

(i) Breach of licence condition 3 – undersized bedroom. Fine £15,000.

(ii) Breach of licence condition 5 – compliance with schedule of work - £20,000.

(iii) Breach of licence condition 7 - failure to display contact details for the person managing the property in a prominent position in the common parts of the house -£2,500.

(iv) Breach of condition licence 8 - failure to display the HMO licence and conditions in a prominent position in the common parts - £2,500.

9. After receiving and taking observations sent by Mr Roberts into account, the respondent issue the four final Financial Penalty Notices ('FPNs) under appeal. A fifth Notice of Intent had been served but this was subsequently withdrawn after receiving Mr Robert's observations and the sums on two of the FPNs (breaches of condition 7 and 8 were reduced from £4,000 and £5,000 respectively to £2,500 each.

10. The applicant sought to appeal these FPN's on the grounds that:

- The Local authority has not proved criminal burden of proof
- The alleged offences are denied
- The penalty notices have been unfairly imposed and are unreasonably high.
  The fines do not reflect the severity of the alleged offences.

The hearing

Preliminary matters

11. At the start of the hearing the applicant sought (i) to strike out the respondent's skeleton argument on the ground it had been received later and there had been insufficient time to consider it.

12. The tribunal found the application to 'strike out' to be without merit and dismissed this application. However, it adjourned for 10-15 minutes to allow Ms Sharma to read through Mr Evan's skeleton argument.

13. A video hearing was held on 16 March 2026 for which the applicant relied on a digital bundle of 80 pages plus a separate Index. The respondent relied on two digital bundle of 180 pages and 150 pages, respectively. The respondent was represented by Mr Stephen Evans of counsel. The applicant was represented by Ms Sharma, a colleague of the applicant. However, the applicant did not attend due to his being abroad. In addition, the tribunal heard oral evidence from Ms Mustova on behalf of the respondent who spoke to her witness statement dated 9 October 2025 on behalf of the applicant. The tribunal also heard evidence from Mr David Keeley (Victor?) a Property Contractor on behalf of the applicant who made a statement dated 6 March 2026 and signed David Victor. This witness stated he had inspected the subject premises on 26 June 2024. As this was after the date of the respondent's inspection and the date of the alleged offences, this evidence was of limited assistance to the tribunal although it was considered the applicant's Statement of Case dated 6 March 2026 together with the other documents he relied upon.

14. As this was application was held by way of a re-hearing the burden and standard of proof fell on the respondent to establish the offences the subject of the FPNs had been committed by the applicant.

The tribunal's reasons

The legislation

15. In reaching its determinations, the tribunal had regard to the relevant provisions of the Housing Act 2004 ('the 2004 Act'), which permits under section 249A, a local housing authority to impose a financial penalty on a person if it is satisfied beyond reasonable doubt that they have committed a relevant housing offence.

16. The relevant housing offences include the offences under section 72 (licensing of HMOs) and section 234 (breach of management regulations).

17. Section 249A(3) provides that:

> '*Only one financial penalty under this section may be imposed on a person in respect of the same conduct.*'

18. As the appeal is a re-hearing, the tribunal is required to make its own decision whether to impose a penalty and in what amount (up to a maximum of £30,000 for each offence). Further, the tribunal is required to consider whether the respondent local housing authority has had regard to both the guidance provided by the Secretary of State and its own internal policies with regard to the offences alleged to have been committed by the applicant.

19. Having heard the respondent's documentary and oral evidence, the tribunal was satisfied that the respondent had proved beyond all reasonable doubt the applicant had committed the offences alleged.

20. The tribunal was satisfied so that it was sure from the respondent's evidence of the matters alleged. The tribunal was also satisfied the respondent had complied with all the necessary requirements and procedure relating to the imposition of the financial penalties and no issues were raised by the applicant in respect of these matters. The tribunal therefore concluded, the applicant had committed the relevant housing offences as alleged.

21. Further, the tribunal was satisfied the respondent had demonstrated it proper regard to the Government issued statutory guidance to local authorities and in considering the matter of what penalty should be imposed had regard to the following matters:

(a) Severity of the offence. The more serious the offence, the higher the penalty should be

(b) Culpability and track record of the offenders

(c) The harm caused to the tenant

(d) Punishment of the offender

(e). Deter the offender from repeating the offence

(f) Deter others from committing similar offences

(g) Remove any financial benefit the offender may have obtained as a result of committing the offence

22. The tribunal was also satisfied the respondent also had regard to its own internal guidance document contained in the Enforcement Policy Amendment for Civil Penalties in relation to its Private Sector Housing Service (PSH) 15 February 2023

23. The tribunal accepts the respondent considered each alleged breach individually and applied both the statutory and internal guidance to each seperately. The tribunal was also satisfied the respondent took into account both aggravating and mitigating factors as well as the applicant's representations before making its final determination on the amount of each financial penalty as evidenced by the recall of one of the FPNs and the reduction in amount in respect of 2 other FPNs.

24. The tribunal carefully considered the issues raised by the applicant in respect of whether or not there was any 'reasonable excuse' as provided for by s.72 of the 2004 Act which provides:

72(3) A person commits an offence if—

(a) he is a licence holder or a person on whom restrictions or obligations under a licence are imposed in accordance with section 67(5), and
(b) he fails to comply with any condition of the licence. ...
(5) In proceedings against a person for an offence under subsection (1), (2) or (3) it is a defence that he had a reasonable excuse— ...
(c) for failing to comply with the condition.

25. The tribunal finds that Bedroom 4 was being occupied at the time of the respondent's officers' inspection and does not accept the applicant denials in this respect. Further, the tribunal finds that on both the applicant's and the respondent's measurement, which although differed as stated by Mr Keeley, still found the room statutorily undersized for occupation i.e. less than 9sqm. In any event, the tribunal determines that as it was a condition of the licence that this room was not be used as a bedroom, and therefore its size is irrelevant, as the applicant did not appeal against the imposition of that condition, either at the date of the grant of the HMO licence or at any time thereafter.

26. The tribunal does not accept the applicant's assertions that the manager's details had 'fallen down' or that the licence and licence conditions were displayed. The tribunal found the applicant's evidence on this issue to be contradictory and inconsistent in describing the location of the licence as variously in an understairs cupboard; it had fallen by the side of a cabinet or had been removed by tenants. The tribunal found these contradictory accounts on a simple straightforward issue to be damaging to the applicant's credibility.

27. The tribunal does not accept the applicant carried out quarterly inspection of the subject premises as was stated. Had he in fact done so, the breaches of the licence conditions would have either been 'picked up' by him at an early date and remedied by the date of the inspection.

28. The tribunal accepts that the restrictions imposed by the Covid pandemic are likely to have caused some difficulties in completing the Schedule of works on time. However, the tribunal finds this argument to be unpersuasive when considering that even by the time of inspection, approximately 4 years after the grant of the licence, these works were still incomplete.

29. The tribunal finds the fines are appropriate in amount and does not make any reductions to these. The tribunal does not accept the applicant's assertions that the offences are not serious or that no harm was caused to any tenant.

30. In conclusion, the tribunal confirms the imposition of the Financial Penalty Notices in the stated amount.

Name: Judge Tagliavini Date: 7 May 2026