



**PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case reference : **LON/00AQ/HBA/2025/0004**

Applicant : **London Borough of Brent**

Representative : **Ms T Robson**

Respondent : **Mr Sanjay Patel**

Representative : **In person**

Type of application : **Application for a banning order under section 15(1) of the Housing and Planning Act 2016**

Tribunal members : **Judge Pittaway**
Mr A Fonka FCIEH

Venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **11 May 2026**

DECISION

The Tribunal makes a Banning Order against the Respondent, for a period of **five years**, to take effect from the date three months after the date of this decision, in the terms set out in the Order that accompanies this decision.

The application

1. This is an application brought by London Borough of Brent (**‘Brent’**) seeking a Banning Order under section 15 of the Housing and Planning Act 2016 (**“the 2016 Act”**). The Order is sought to ban Mr Sanjay Patel from letting housing in England, from engaging in English letting agency work, engaging in English property management work or doing two or more of those things. Brent also seeks a provision in the Banning Order that Mr Patel is banned from being involved in any body corporate under section 18(1) of the 2016 Act. It is proposed that the ban take effect three months after the date of the Banning Order and will last for a period of five years.
2. The application is dated 21 July 2025. Directions were issued on 28 November 2025, setting out the timetable for the parties to prepare for the Hearing which was subsequently fixed for 30 April 2026.
3. On 27 April 2026 Brent emailed the Tribunal, copied to Mr Patel, requesting permission to admit late evidence, namely evidence of a conviction of Mr Patel in the Willesden Magistrates Court on 5 March 2026 against which Mr Patel had not appealed. The Tribunal advised the parties that the admissibility of this evidence would be considered at the start of the Hearing.

Statutory Provisions and Guidance

4. The statutory provisions relating to Banning Orders are contained within Chapter 2 of Part 2 of the 2016 Act and, to the extent relevant, are set out in Appendix 1 to this decision.
5. In summary, a local housing authority (LHA), in this case Brent, may apply to this Tribunal for a Banning Order against a person who has been convicted of a Banning Order offence and who was a residential landlord or a property agent at the time the offence was committed.
6. Section 14 of the 2016 Act provides that a Banning Order means an order banning a person from:
 - (a) letting housing in England;
 - (b) engaging in English letting agency work;
 - (c) engaging in English property management work; or
 - (d) doing two or more of those things.
7. Section 15 requires the LHA to give the person a notice of intended proceedings before applying for a Banning Order:
 - (a) informing the person that the authority is proposing to apply for a Banning Order and explaining why;
 - (b) stating the length of each proposed ban; and
 - (c) inviting the person to make representations within a period specified in the notice of not less than 28 days.

8. The LHA must consider any representations made during that notice period and must wait until the notice period has ended before applying for a Banning Order. Notice of intended proceedings may not be given after the end of the period of six months beginning with the day on which the person was convicted of the offence to which the notice relates.
9. Section 16 provides that in deciding whether to make a Banning Order against a person, and in deciding what order to make, the Tribunal must consider:
 - (a) the seriousness of the offence of which the person has been convicted;
 - (b) any previous convictions that the person has for a Banning Order offence;
 - (c) whether the person is or has at any time been included in the database of rogue landlords and property agents; and
 - (d) the likely effect of the Banning Order on the person and anyone else who may be affected by the order.
10. Section 17 provides that a ban must last at least 12 months but may contain exceptions to the ban for some or all of the period to which the ban relates. The exceptions may also be subject to conditions. In addition, a person who is subject to a Banning Order that includes a ban on letting may not make an unauthorised transfer of an estate in land to a prohibited person. Nor can a banned person hold an HMO licence or a licence under Part 3 of the Housing Act 2004 in respect of a house. In addition, an HMO licence or Part 3 licence must be revoked if a Banning Order is made against the licence holder. Interim and final management orders may be made in cases where a Banning Order has been made and a property has been let in breach of the Banning Order.
11. Section 14(3) defines a “Banning Order offence” as an offence of a description specified in regulations made by the Secretary of State. The relevant regulations are the Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018 (“the 2018 Regulations”) which sets out the Banning Order offences in the Schedule to the Regulations. The 2018 Regulations only apply to offences committed after the coming into force of the regulations, on 6th April 2018.
12. The Tribunal has also had regard to the guidance from MHCLG entitled Banning Order Offences under the Housing and Planning Act 2016 - Guidance for Local Housing Authorities, published in 2018 (**‘MHCLG Guidance’**).

The hearing

13. The Applicant appeared and was represented by Ms Robson, a solicitor at Brent. Also attending the Hearing from Brent were Ms Sharleen Fernades Barreto, Ms Hudson (a solicitor) and Ms Handa, Head of Private Sector Housing.
14. Mr Patel did not appear.
15. The Tribunal was referred to a Bundle from the Applicant of 560 pages. It was also referred to the late evidence provided by Brent, namely a Summons for Mr Patel to appear in the Willesden Magistrates Court of 12 November 2025 and an attendance note by Ms Hudson of 5 March 2026 of the hearing in Willesden Magistrates Court of 5 March 2026.

16. The Respondent had not provided a Bundle.
17. The Tribunal heard evidence from Ms Sharleen Fernades Barreto, an Enforcement Officer in Brent's Private Housing Services, and Ms Handa, and submissions from Ms Roibson.

The issues

18. As a **preliminary issue** the Tribunal considered Brent's request to include the summons of 12 November 2025 and Ms Hudson's attendance note of Mr Patel's conviction at Willesden Magistrates' Court and fine of £87,000 plus a Victim Surcharge of £2,000 and costs of £2,788. The Tribunal admitted this late evidence as the conviction and fine are matters of public record of which Mr Patel would be aware.

19. The **issues** for the Tribunal to consider were:

- (a) whether Brent, as the local housing authority, has given the Respondent a notice of intended proceedings in compliance with section 15 of the 2016 Act, and whether it has otherwise complied with the procedural requirements of that section.

- (b) whether the Respondent has been convicted of a banning order offence.

- (c) whether, at the time the offence was committed, the Respondent was a 'residential landlord' or a 'property agent' (see the definitions in section 56 of the 2016 Act).

- (d) Whether to make a banning order (and, if so, what order to make) having regard to:

- the seriousness of the offence of which the respondents have been convicted;
- any previous convictions that the respondents have for a banning order offence;
- whether the respondents are, or have at any time been included in the database of rogue landlords and property agents (pursuant to section 30 of the 2016 Act); and
- the likely effect of the banning order on the respondent and anyone else who may be affected by the order.

The Tribunal's Decision

20. The Tribunal reached its decision after considering Brent's oral and written evidence, and the documents referred to in that evidence, taking into account its assessment of the evidence and having regard to the submissions made to it.

21. This decision may not refer to every document the Tribunal reviewed or took into account in reaching its decision. However, this doesn't imply that any points raised, or documents not specifically mentioned, were disregarded. If a point or document was referred to in the evidence or submissions that was relevant to a specific issue, it was considered by the Tribunal.

Reasons for the Tribunal's decision

22. The Tribunal heard evidence that following the conviction of Mr Patel at Willesden Magistrates Court Magistrates Court on 3 October 2024 in relation to 107 Vivian Avenue Brent decided to apply for a banning order. The decision was made after a review conducted by its management and legal teams.
23. The conviction of Mr Patel at Willesden Magistrates Court Magistrates Court on 3 October 2024 was for the following seven banning offences;
- Being the person in control and/or managing a house in multiple occupation or licensable premises at 107 Vivian Avenue Wembley HA9 6RH which is required to be licensed but which was not licensed.
 - two offences of failing to keep the means of escape in the HMO free from obstruction
 - two offences of failing to take all measures reasonably required to protect the occupiers of the HMO from injury
 - failing to ensure that fixtures, fitting and appliances used in common by two or more households within the HMO were maintained in good and safe repair and in clean working order; and
 - failing to ensure that the common parts of the HMO are maintained in clean and decorative repair and/or in safe working order

Mr Patel was fined £49,495, which sum included a payment of £20,350 compensation to the tenants, and a surcharge to fund victim services of £7,600.

24. Evidence of the convictions was contained in the bundle before the Tribunal, which contained a copy of the certified extract of the 'Memorandum of an Entry in the Register of the North West London Magistrates' Court, Register for 03/10/2024 (PM) Court Willesden Magistrates Court' printed on 24 October 2024 which set out the fine and the offences for which it was imposed.
25. The Tribunal finds that the offences for which Mr Patel was convicted are 'banning order offences' for the purposes of the The Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018. He was convicted of committing an offence in relation to houses in multiple occupation (s72 Housing Act 2004) and failing to comply with management regulations in respect of houses in multiple occupation (s234(3) Housing Act 2004).

26. The Tribunal finds that Brent, as the local housing authority, has given the Respondent a notice of intended proceedings in compliance with section 15 of the 2016 Act, and that it has otherwise complied with the procedural requirements of that section.
27. A notice of intended proceedings may not be given after the end of the period of 6 months beginning with the day on which the person was convicted of the offence to which the notice relates. The Notice of Intent given by Brent to apply for a banning order (the '**Notice**') is dated 27 February 2025, following the conviction in the Magistrates Court of 3 October 2024.
28. The Notice gave Mr Patel notice that Brent intended to apply for a Banning Order under s15(1) of the 2016 Act. It referred to Mr Patel's conviction in the Willesden Magistrates Court on 3 October 2024, listing the seven offences of which he had been convicted. The Notice specified that Brent intended to apply for a Banning Order lasting five years. It invited representations to be made by 7 April 2024, after which Brent would consider any representations received. It received no representations. Brent then applied to the Tribunal on 21 July 2025, after the end of the notice period given in the Notice .
29. The Tribunal finds that the Notice was served on Mr Patel on 27 February 2025. It heard evidence from Ms Barreto (and was directed to photographic evidence in the bundle) that she had hand-delivered the Notice on that date to Mr Patel at 62 Spencer Road Harrow Wealdstone HA3 7AR, being the address for Mr Patel which he had provided to Brent in a Statement of Truth of 15 February 2024, which was in the bundle before the Tribunal. Ms Barreto confirmed that she had also e mailed the Notice to Mr Patel, to an e mail address to which he responds.
30. The Tribunal finds that Mr Sanjay Patel is a residential landlord for the purposes of the Act. He is not the freeholder of 107 Vivian Avenue, but a lessee of the freeholder since 2021 paying a rent of £1,850 per month. He is the landlord of the occupational tenants and collects their rent, which Brent estimates, following interviews with the tenants, to be in the region of £3,050 per month.
31. The Tribunal has discretion as to whether or not to make a Banning Order, and when deciding whether to make a Banning Order and what Banning Order to make the Tribunal must consider the seriousness of the offence of which the person is convicted, whether the person has any previous convictions for a Banning Offence, whether the person is or has been on the database of rogue landlords and property agents and the likely effect on the person and anyone else who may be affected by the order.
32. The Tribunal finds that the fact that in relation to 107 Vivian Avenue the Respondent was convicted and has received a significant fine in the magistrates court points to the seriousness of the offences. The Tribunal notes that the

magistrates did not consider it appropriate to levy a lower fine or give a conditional discharge. Indeed the magistrates thought it appropriate to pay compensation to the tenants and to make a surcharge to fund victim services.

33. There was no evidence of previous convictions before the Tribunal, nor evidence that Mr Patel is, or at any time in the past has been included in the database of rogue landlords and property agents.
34. The Tribunal has placed weight on the previous and continuing record of poor management by Mr Patel in considering the likely effect of the banning order upon him.
35. By a notice dated 18 February 2022 Brent had given Mr Patel Notice of Intent that it intended to issue him with a financial penalty of £10,000 in relation to 40 Wyld Place Wembley HA9 6PS, for failing to comply with the Management Regulations in respect of Houses in Multiple Occupation under section 234 of the Housing Act 2004 and the conditions of the HMO licence under section 72 (3) (a) (b) Housing Act 2004. The Tribunal heard evidence that Mr Patel had taken advantage of Brent's policy of discounting the penalty by 20% if it is paid before the Final Notice is issued and had paid £8,000. The Tribunal were told that the Final Notice would have been issued showing no outstanding penalty but this was not in the bundle.
36. Ms Robson referred the Tribunal to the recent conviction of Mr Patel in the Willesden Magistrates Court, which is in relation to 40 Wyld Way, as further evidence of his poor management.
37. By a notice dated 22 March 2024 Brent had given Mr Patel Notice of Intent to issue a financial penalty of £20,000 in relation to offences committed under Section 249A (as amended) Housing Act 2004 in relation to 55 Wyld Way, Wembley, HA9 6PS. The Tribunal heard evidence that again Mr Patel had taken advantage of the 20% discount offered by Brent for payment before the Final Notice was issued and had paid £16,000. Again the Final Notice was not in the bundle.
38. A banning order would prevent Mr Patel, from committing any further offences that might harm the tenants, and if published, should act as a deterrent to other rogue landlords. The conviction in relation to 107 Vivian Avenue may be his first conviction but he has displayed a continuing dereliction of duty, evidenced by the Financial Penalties proposed in relation to 40 and 55 Wyld Way and the recent conviction for Banning Order offences in relation to 40 Wyld Way.
39. The Tribunal finds that unless there is a change in how the properties brought to the Tribunal's attention are managed there is likely to be harm to the tenants, both currently and in the future. Specifically, the Tribunal finds that failure to comply with the Management Regulations can cause direct harm to the tenants and affect their health and safety when living in the property.

40. As to the length of the order the Tribunal notes that the minimum period is 12 months but there is no upper limit. There may be circumstances when the relevant behaviour is so extreme that it would merit a significantly long or permanent ban on the activities. In this case Brent has proposed a ban for five years. The proposal of five years needs to be measured against the scale of a minimum period of 12 months and a lifetime ban. In this case the Tribunal considers the issues are serious and warrant a Banning Order for a period of five years. Being unable to own or manage property for that period of time would either remove Mr Patel from the sector or encourage him to improve. This period is sufficient to ensure that the Banning Order will have the appropriate punitive effect on the Respondent and a real deterrent effect on him and other landlords.
41. The Tribunal must have regard to the likely effect of the banning order on anyone other than the Respondent who may be affected by the order. At the hearing the Tribunal raised with Brent when the Banning Order should come into effect with regard to the likely effect of the banning order on the residential tenants for whom Mr Patel is currently landlord. It queried whether it coming into effect three months after the date of the Order gave sufficient time for an alternative manager of each of the properties he currently lets to be appointed.
42. Ms Handa gave evidence that Brent were satisfied that it would be able to ensure that satisfactory alternative arrangements for the management of any property with which Mr Patel was involved could be put in place within three months. It was already in communication with the freeholder of 107 Vivian Avenue and would be communicating with other freeholders and local housing authorities. To its knowledge Mr Patel did not own the freehold of any property which he managed but had letting arrangements in place with the freeholders.

Name: Judge Pittaway

Date: 11 May 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 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).

APPENDIX 1 **Statutory Provisions**

Housing and Planning Act 2016

Chapter 2 – Banning Orders

Banning Orders: key definitions

14. “Banning Order” and “Banning Order offence”

(1) In this Part “Banning Order” means an order, made by the First-tier Tribunal, banning a person from-

- (a) letting housing in England,
- (b) engaging in English letting agency work,
- (c) engaging in English property management work, or
- (d) doing two or more of those things.

(2)

(3) In this Part “Banning Order offence” means an offence of a description specified in regulations made by the Secretary of State.

Imposition of Banning Orders

15. Application and notice of intended proceedings

(1) A local housing authority in England may apply for a Banning Order against a person who has been convicted of a Banning Order offence.

(2)

(3) Before applying for a Banning Order under subsection (1), the authority must give the person a notice of intended proceedings-

- (a) informing the person that the authority is proposing to apply for a Banning Order and explaining why,
- (b) stating the length of each proposed ban, and
- (c) inviting the person to make representations within a period specified in the notice of not less than 28 days (“the notice period”).

(4) The authority must consider any representations made during the notice period.

(5) The authority must wait until the notice period has ended before applying for a Banning Order.

(6) A notice of intended proceedings may not be given after the end of the

period of 6 months beginning with the day on which the person was convicted of the offence to which the notice relates.

16. Making a Banning Order

(1) The First-tier Tribunal may make a Banning Order against a person who-

- (a) has been convicted of a Banning Order offence, and
- (b) was a residential landlord or a property agent at the time the offence was committed (but see subsection (3)).

(2) A Banning Order may only be made on an application by a local housing authority in England that has complied with section 15.

(3)

(4) In deciding whether to make a Banning Order against a person, and in deciding what order to make, the Tribunal must consider-

- (a) the seriousness of the offence of which the person has been convicted,
- (b) any previous convictions that the person has for a Banning Order offence,
- (c) whether the person is or has at any time been included in the database of rogue landlords and property agents, and
- (d) the likely effect of the Banning Order on the person and anyone else who may be affected by the order.

17. Duration and effect of Banning Order

(1) A Banning Order must specify the length of each ban imposed by the order.

(2) A ban must last at least 12 months.

(3) A Banning Order may contain exceptions to a ban for some or all of the period to which the ban relates and the exceptions may be subject to conditions.

(4) A Banning Order may, for example, contain exceptions-

- (a) to deal with cases where there are existing tenancies and the landlord does not have the power to bring them to an immediate end, or
- (b) to allow letting agents to wind down current business.

18 Content of banning order: involvement in bodies corporate

(c) (1) A banning order may include provision banning the person against whom it is made from being involved in any body corporate that carries out an activity that the person is banned by the order from carrying out.

(d) (2) For this purpose a person is “involved” in a body corporate if the person acts as an officer of the body corporate or directly or indirectly takes part in or is concerned in the management of the body corporate.