



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

Case reference : **LON/00BG/HMB/2025/0019**

Property : **Room 3, 197A, East India Dock Road,
London E14 0ED**

Applicant : **Ms Rocio Perez Lopez**

Representative : **In person**

Respondent : **Mr Mohammed Kamal Uddin**

Representative : **In person**

Type of application : **Application for a rent repayment order
by tenant**
Sections 40, 41, 43, & 44 of the Housing and
Planning Act 2016

Tribunal members : **Judge N Hawkes**
Mr S Mason BSc FRICS

**Venue and date of
hearing** : **10 Alfred Place, London WC1E 7LR on 8
May 2026**

Date of decision : **11 May 2026**

DECISION

Decision of the Tribunal

The Tribunal dismisses the Applicant's application for a rent repayment order.

The background

1. By an application dated 6 August 2025, the Applicant, Ms Rocio Perez Lopez, applied for a rent repayment order ("RRO") pursuant to section 41 of the Housing and Planning Act 2016 ("the 2016 Act") against the Respondent, Mr Mohammad Kamal Uddin.
2. It is common ground that, on 9 January 2024, the Applicant became a periodic tenant of the Respondent at Room 3, 197A, East India Dock Road, London E14 0ED ("the Property"). She seeks a RRO in the sum of £5,950 representing seven months' rent at the rate £850 per calendar month from January to July 2024.
3. On 12 December 2025, the Tribunal issued Directions leading up to a final hearing ("the Directions").

The hearing

4. The final hearing took place on 8 May 2026 as a face-to-face hearing at 10 Alfred Place, London WC1E 7LR.
5. The Applicant attended the hearing in person, accompanied by her mother, Ms Maria Del Rocio, Lopez Pelaez. An interpreter for the Applicant also attended who translated as and when needed.
6. The Respondent attended the hearing in person accompanied by Mr Anawarul Hoque, of the Respondent's managing agents, and by his brother-in-law, Mr Abdul Malik.

The Tribunal's determination

7. Section 40 of the 2016 Act provides that a RRO is an order requiring the landlord under a tenancy of housing in England to repay an amount of rent which has been paid by a tenant.
8. Statutory guidance for Local Housing Authorities concerning RROs under the 2016 Act was published on 6 April 2017 ("the Statutory Guidance"). The Tribunal has had regard to the Statutory Guidance in determining this application.
9. Section 41 of the 2016 Act provides:

(1) 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.

(2) A tenant may apply for a rent repayment order only if –

(a) the offence relates to housing that, at the time of the offence, was let to the tenant, and

(b) the offence was committed in the period of 12 months ending with the day on which the application is made.”

10. Section 43 of the 2016 Act provides:

43 Making of rent repayment order

(1) 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).

(2) A rent repayment order under this section may be made only on an application under section 41.

11. The relevant offences are set out at section 40 of the 2016 Act and include offences under section 1(3A) of the Protection from Eviction Act (“the 1977 Act”) which provides:

(3A) Subject to subsection (3B) below, the landlord of a residential occupier or an agent of the landlord shall be guilty of an offence if—

(a) he does acts likely to interfere with the peace or comfort of the residential occupier or members of his household, or

(b) he persistently withdraws or withholds services reasonably required for the occupation of the premises in question as a residence,

and (in either case) he knows, or has reasonable cause to believe, that that conduct is likely to cause the residential occupier to give up the occupation of the whole or part of the premises or to refrain from exercising any right or pursuing any remedy in respect of the whole or part of the premises.

12. At page 6 of her application form, the Applicant asserted that offences under section 1(3A) of the 1977 Act had been committed and she relied upon action taken by the Respondent’s agents, acting on behalf of the

Respondent. However, she did not make any assertions regarding the conduct or the intention of the Respondent himself.

13. At the commencement of the hearing, the Tribunal asked the Applicant whether or not she accepted the following summary which is set out at paragraph 7-2 of the Crown Court Compendium:

Legal liability for a criminal offence may arise in the following circumstances in which D is involved with another or others:

(1) by D's own conduct and with the necessary fault, D committed the offence with another (P) [joint principal: see chapter 7-3 below];

(2) by D's own conduct and with intent, D assisted another (P) to commit the offence [assisting: see chapter 7-4 below];

(3) by D's conduct and with intent, D encouraged another (P) to commit the offence [encouraging: see chapter 7-4 below];

(4) D "commanded or commissioned" (ie ordered or suggested) the offence committed by another (P) and P committed it with the necessary fault [procuring: see chapter 7-4 below].

14. The Applicant stated that she agreed with this summary and that she was relying on (4) and asserting that the Respondent had commanded his managing agents to commit the alleged offences under section 1(3A) of the 1977 Act.
15. Whilst this was not the case which was set out by the Applicant in her application form, having considered the Tribunal's overriding objective and with the agreement of the Respondent, the Tribunal granted the Applicant permission to amend her application to assert that the Respondent had commanded his managing agents to commit the alleged offences under section 1(3A) of the 1977 Act, on the basis that the managing agents and the Respondent would have the opportunity to give evidence responding to this allegation.
16. Mr Hoque of the Respondent's managing agents then gave oral evidence and stated that the Respondent did not instruct the agents to commit any criminal offence. After having cross-examined Mr Hoque for some time, the Applicant accepted that there was not enough evidence before the Tribunal to make the Respondent criminally liable.
17. Further, the Tribunal is not satisfied beyond reasonable doubt (or on the balance of probabilities) that the Respondent committed the alleged offences under section 1(3A) of the 1977 Act.

18. It is not in dispute that the Respondent had no direct contact with the Applicant and that he had no personal involvement in the day-to-day management of the Property. There is no direct evidence that the Respondent instructed the managing agents to do acts likely to interfere with the peace or comfort of the Applicant, or that the Respondent instructed the managing agents to persistently withdraw or withhold services reasonably required for the occupation of the Property as a residence. Further, the Tribunal is not satisfied that it can be inferred that the Respondent instructed the managing agents to do any of these things. The Tribunal is also not satisfied that there is evidence from which inferences can be made to the necessary standard concerning the Respondent's state of mind.
19. This application is dismissed because the Tribunal is not satisfied beyond reasonable doubt that the Respondent committed the alleged criminal offences.
20. At the conclusion of the hearing, the Applicant raised various questions concerning possible alternative remedies for the matters which she complained of in these proceedings. The Applicant was informed that the Tribunal cannot provide either party with advice. However, a Case Officer gave the Applicant a Legal Advice Flyer with details of organisations which may be able to provide her with independent legal advice, some of which may be able to do so free of charge.

Name: Judge N Hawkes

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).