



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

Case reference : CAM/00MX/HMB/2025/0004
CAM/00MX/HMB/2025/0007
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Property : 4 Howards Wood Drive, Gerrard Cross,
SL9 7HN

Applicant : (1) Loreta Simanaviciene
(2) Gileta Simanaviciute
(3) Gabija Simanaviciute

Representative : In person

Respondent : Kuldip Takhar

Representative : In person

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

Tribunal members : Judge R Boucher
R Thomas MRICS
J Morton

Venue : Remote hearing by CVP

Date of decision : 22 June 2026

DECISION

Decisions of the tribunal

- (1) The tribunal is not satisfied beyond reasonable doubt that the Respondent has committed the offence of harassment of the Applicants which is prohibited under section 1(3) of the Protection from Eviction Act 1977.
- (2) The tribunal finds that the Applicants are not entitled to rent repayment orders under sections 41 and 43 of the Housing and Planning Act 2016.

The applications

1. By an application received by the tribunal on 27 August 2025, made under section 41 of the Housing and Planning Act 2016 (“the 2016 Act”) the First Applicant tenant sought a rent repayment order (“RRO”) against the Respondent landlord.
2. The Second and Third Applicants, who are the daughters of the First Applicant, made further applications which sought RROs against the Respondent on 20 November 2025 and 21 November 2025 respectively (together “the Applications”).
3. The tribunal directed that the Applications, which all relate to the same tenancy of the same property, be consolidated and heard together, in amended directions dated 9 March 2026.
4. The Applicants assert that the Respondent has harassed them, within the meaning of section 1(3) of the Protection from Eviction Act 1977 (“the 1977 Act”).
5. The tribunal has read and carefully considered the bundles supplied by the Applicants and the Respondent.

The hearing

6. At the hearing, which took place on 19 June 2026, the parties represented themselves.
7. Most of the Applicants’ evidence was given by the First Applicant, with some additional evidence given on specific points by the Second and Third Applicants.
8. The Respondent gave evidence on his own behalf.

The background

9. The Applicants live at the property, and do so pursuant to a tenancy agreement dated 6 December 2024, granted for an initial period of six months. The rent payable under the tenancy agreement is £2,200 per calendar month, payable in advance on the 6th day of each calendar month.

The issues

10. The following issues require determination by the tribunal:
- (i) whether the tribunal is satisfied beyond reasonable doubt that the Respondent has committed an offence to which Chapter 4 of the 2016 Act applies;
 - (ii) whether the Applicants are entitled to RROs under sections 41 and 43 of the 2016 Act; and, if so
 - (iii) the amounts of any RROs, to be determined in accordance with section 44 of the 2016 Act.
11. Having heard the evidence and submissions and considered all the documents provided, the tribunal makes determinations on these issues below. The tribunal focus in our decision on the main points that have been identified, though we have considered all the documents, evidence and issues raised and have taken these into account.

Legal framework

12. Section 40 of the 2016 Act provides that an 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.
13. 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.*
14. Section 43 of the 2016 Act provides:
- (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.

15. The relevant offences to which Chapter 4 of the 2016 Act applies are set out in section 40 of the 2016 Act. They include an offence of harassment of occupiers under section 1(3) of the 1977 Act.
16. Section 1(3) of the 1977 Act provides, so far as is material:

(3) If any person with intent to cause the residential occupier of any premises—

*(a) to give up the occupation of the premises or any part thereof;
or*

(b) to refrain from exercising any right or pursuing any remedy in respect of the premises or part thereof;

does acts likely to interfere with the peace or comfort of the residential occupier or members of his household, or persistently withdraws or withholds services reasonably required for the occupation of the premises as a residence, he shall be guilty of an offence.

17. The amount of a RRO is to be determined under section 44 of the 2016 Act as follows (being the provisions of section 44 that were in force at the date of the Applications):

...The amount that the landlord may be required to repay in respect of a period must not exceed—

(a) the rent paid in respect of the period of 12 months ending with the date of the offence / a period, not exceeding 12 months, during which the landlord was committing the offence, less

(b) any relevant award of universal credit paid (to any person) in respect of rent under the tenancy during that period.

(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.

Findings

Has the Respondent committed a relevant offence?

18. It was not in dispute that the Respondent has not been convicted of any relevant offence to which Chapter 4 of the 2016 Act applies.
19. The tribunal is required to assess the allegations of harassment as at the date of the Applications, as the relevant offence must have taken place by that date. The first Application was made on 27 August 2025. Further applications, made on 20 and 21 November 2025, were consolidated with the first Application.
20. The First Applicant gave evidence as to what she alleged amounted to a relevant offence committed by the Respondent. The allegations can be summarised as follows:
 - (i) At the commencement of the tenancy agreement the Respondent changed his mind about whether the tenancy agreement would be a six-month agreement, or longer, and misled the Applicants about his plans for the property.
 - (ii) An unknown individual attended the property and the individual identified themselves as being from the planning department of the council. The First Applicant did not allow them into the house and sent them away.
 - (iii) Causing contractors to turn up to the property without notice, or with insufficient notice, given to the Applicants.
 - (iv) At the beginning of May 2025 arranging for 4 or 5 contractors to attend the property throughout the day.
 - (v) On or about 30 or 31 May 2025, the Respondent and the First Applicant spoke on the telephone and, upon being told by the First Applicant that the Applicants no longer intended to vacate the property on 5 June 2025 said words along the lines of: *I've got my own ways of getting you out. I can increase the rent to a figure you cannot pay. I can increase the deposit.*
 - (vi) On or about 1 June 2025 the Respondent issued a notice under section 13 of the Housing Act 1988

seeking to increase the rent from £2,200 per month to £3,200 per month.

- (vii) On or about 21 June 2025 the Respondent served a section 21 notice on the Applicants, seeking to terminate the tenancy.
 - (viii) On or about 21 August 2025 the Respondent served further section 21 notices individually on each of the Applicants.
21. The Applicants' position was to characterise these events either individually, or taken together, as harassment.
22. The Respondent's evidence on each of these points can be summarised as follows:
- (i) That he had offered what he described as a below market rent for the property, because it was for a short tenancy of six months, and that he had not misled the Applicants.
 - (ii) That he had no knowledge of this unknown individual and that he had informed the First Applicant that she should give the Respondent's contact details to anyone who attended.
 - (iii) That the 24 hours' notice required in the tenancy agreement was always given to the Applicants ahead of any inspection.
 - (iv) That inspection by the 4 or 5 contractors was arranged with the First Applicant at a time to suit her.
 - (v) That the context of the 30 or 31 May telephone call was to discuss what he thought was, at that time, the Applicants' intention to leave the property on 5 June 2025 and practical handover matters. He denied saying the words attributed to him by the First Applicant.
 - (vi) That the service of a section 13 notice was undertaken in a professional manner, and he later withdrew it in order to reduce tension between the parties.

- (vii) That the First Applicant had specifically requested a section 21 notice to bring the tenancy to an end, which led to the serving of the first section 21 notice.
 - (viii) That the second section 21 notices were served following legal advice he had received that the first section 21 notice may be invalid.
- 23. The tribunal finds that the serving of the section 13 notice and the section 21 notices is not capable of being considered an offence. These are statutory mechanisms within the legislative scheme that govern residential tenancies.
- 24. A section 13 notice gives a tenant to have the opportunity to challenge a proposed rent increase in the tribunal. Prior to the Respondent withdrawing his section 13 notice, the Applicants had availed themselves of that opportunity.
- 25. A section 21 notice was a required first formal step to bring an assured shorthold tenancy to an end, and a landlord cannot be criticised for serving one. Nothing turns on the fact that later replacement section 21 notices were served. If the Respondent was advised the first notice was invalid, he was entitled to remedy that position.
- 26. The written evidence supports the Respondent's position that the Applicants requested the service of a section 21 notice. In an email to the Respondent and to Oakwood Estates dated 31 May 2025 and timed at 16:12 the Applicants write as follows:

"Thank you for your recent message and for the support you've provided throughout this process. We genuinely appreciate your attempt to help secure an alternative property for us, and we understand that the other party changing their mind at the last minute was beyond your control.

We want to let you know that we are actively searching for another suitable property and will inform you as soon as we have something confirmed. In the meantime, we are still awaiting a formal Section 21 notice, which we understand is a necessary legal requirement for ending the tenancy."

- 27. The Respondent denies knowledge of the unknown individual claiming to be from the council's planning team, and the tribunal accepts his evidence. The contemporaneous text messages in evidence support his account.

Respondent: "Hi, who is this? Please pass them my name and telephone. Not aware of anyone coming to the house. Thanks"

First Applicant: *"I said no to the person, the person said they will speak to the landlord & left. Thank you. If anyone will come again I will pass on your details. Regards"*

Respondent: *"That's fine, thanks. Sorry no one should turn up unexpectedly"*

28. The Respondent's position, that all contractors were arranged with the First Applicant in advance, is also supported by the evidence. The text message exchange (pages 74B to 83 of Part 2 of the Applicants' bundle) between the First Applicant and the Respondent on 2 May 2025 shows the discussion they had about the appropriate time for the contractors to visit. The First Applicant and the Respondent agreed that the contractors would attend on 9 May 2025.
29. In response to the general complaint made by the Applicants that contractors attended the property without sufficient notice, the Respondent's evidence was that he was being a responsive landlord in arranging for repairs to be carried out or issues resolved as and when the Applicants notified him of those issues.
30. Taken individually, or as a whole, the tribunal does not find that any of the matters complained of by the Applicants amount to harassment in accordance with section 1(3) of the 1977 Act.
31. In light of these findings, the tribunal is not satisfied beyond reasonable doubt that the Respondent has committed an offence under section 1(3) of the 1977 Act.
32. Although the tribunal heard evidence and submissions on whether the Applicants are entitled to RROs under sections 41 and 43 of the 2016 Act and, if so, the amount of such orders be determined in accordance with section 44, it is unnecessary to determine those matters in light of the tribunal's finding that the Respondent has not committed a relevant offence. The tribunal therefore makes no findings on those issues.
33. Accordingly, the tribunal dismisses the Applications and makes no order.

Name: Judge R Boucher

Date: 22 June 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).