FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference	:	MAN/00FF/HMF/2025/0601-603
Property	:	12 Howard Street, York, YO10 4BQ
Applicants	:	(1) James Noton (2) Bramina Braet (3) Laurine Cann
Applicants' Representative	:	Justice For Tenants
Respondent	:	(1) Andy McMillan (2) Lyndon Andre McMillan (3) Jeanette McMillan
Type of Application	:	s 41(1) Housing and Planning Act 2016
Tribunal Members	:	Judge Richard Dobson Mason LLB Jennifer Jacobs MRICS
Type & Venue of the Hearing	:	Video Hearing Online
Date of Decision	:	18 May 2026

DECISION

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(1) The First Respondent shall be removed as a party to the proceedings.

(2) The Second and Third Respondents shall repay, by no later than 28 days from the date this Decision is sent to the parties: -

(a) To the First Applicant the sum of £2,197.43.

(b) To the Second Applicant the sum of £2,726.14

(c) To the Third Applicant the sum of £2,475.30

(3) The Second and Third Respondents shall reimburse, by no later than 28 days from the date this Decision is sent to the parties, the Applicants in respect of the application fee in the sum of £569.

REASONS

Background

1. The Applicants are the former tenants of the property 12 Howard Street, York, YO10 4BQ *("the Property")*.

2. The Applicants occupied the Property as follows: -

a. The First Applicant occupied Room 2 from 5 December 2017 to 29 February 2024 pursuant to a written assured shorthold tenancy agreement dated 31 December 2017.

b. The Second Applicant occupied Room 3 from 29 October 2020 to 31 January 2024 and did not have a written tenancy agreement.

c. The Third Applicant occupied Room 1 from 6 November 2018 to 21 May 2024 and, despite signing a tenancy agreement, did not retain or receive a copy.

3. The Property is a 3-storey mid-terraced house with 4 bedrooms and a shared kitchen and bathroom and was situated within an additional licensing area designated by the City of York. The additional licensing scheme came into force on 1 April 2023 and shall cease to have effect on 31 March 2028. The additional licensing scheme applies to 8 electoral wards, including Fishergate, which is where the Property is located.

4. The Applicants contend that the Respondents were the persons having control of / managing the Property whilst they were tenants of the Property and whilst it was an unlicensed House in Multiple Occupation *("HMO")*, in breach of s 72(1) Housing Act 2004 *("the 2004 Act")*, during the "relevant period" of 1 April 2023 to 1 February 2024.

The application

5. The Applicants made an application under s 41(1) Housing and Planning Act 2016 *("the 2016 Act")* for a Rent Repayment Order *("RRO")*. The application was made by all three Applicants using the same application form and was signed variously on dates between 23 and 27 January 2025 *("the Application")*.

The law

THE STATUTORY FRAMEWORK

1. The Tribunal's power to make a RRO arises under Chapter 4 of Part of the 2016 Act.

2. S 40 of the 2016 Act provides as follows: -

40 Introduction and key definitions

(1) This Chapter confers power on the First-tier Tribunal to make a rent repayment order where a landlord has committed an offence to which this Chapter applies.

(2) A rent repayment order is an order requiring the landlord under a tenancy of housing in England to—

(a) repay an amount of rent paid by a tenant, or

(b) pay a local housing authority an amount in respect of a relevant award of universal credit paid (to any person) in respect of rent under the tenancy.

(3) A reference to “an offence to which this Chapter applies” is to an offence, of a description specified in the table, that is committed by a landlord in relation to housing in England let by that landlord.

	Act	*section*	*general description of offence*
1	*Criminal Law Act 1977*	*section 6(1)*	*violence for securing entry*
2	*Protection from Eviction Act 1977*	*section 1(2), (3) or (3A)*	*eviction or harassment of occupiers*
3	*Housing Act 2004*	*section 30(1)*	*failure to comply with improvement notice*
4		*section 32(1)*	*failure to comply with prohibition order etc*
5		*section 72(1)*	*control or management of unlicensed HMO*

6		*section 95(1)*	*control or management of unlicensed house*
7	*This Act*	*section 21*	*breach of banning order*

(4) For the purposes of subsection (3), an offence under section 30(1) or 32(1) of the Housing Act 2004 is committed in relation to housing in England let by a landlord only if the improvement notice or prohibition order mentioned in that section was given in respect of a hazard on the premises let by the landlord (as opposed, for example, to common parts).

THE RIGHT TO APPLY

3. S 41 of the 2016 Act provides: -

Application for rent repayment order

(1) A tenant or a local housing authority 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.

(3) A local housing authority may apply for a rent repayment order only if—

(a) the offence relates to housing in the authority's area, and

(b) the authority has complied with section 42.

(4) In deciding whether to apply for a rent repayment order a local housing authority must have regard to any guidance given by the Secretary of State.

DETERMINATION OF THE APPLICATION

4. S 43(1) of the 2016 Act provides: -

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.

(3) The amount of a rent repayment order under this section is to be determined in accordance with—

(a) section 44 (where the application is made by a tenant);

(b) section 45 (where the application is made by a local housing authority);

(c) section 46 (in certain cases where the landlord has been convicted etc)

5. Accordingly, the Tribunal must be satisfied to the criminal standard of proof that the relevant offence has been committed.

AMOUNT OF A RENT REPAYMENT ORDER

6. S 44 of the 2016 Act provides: -

Amount of order: tenants

(1) Where the First-tier Tribunal decides to make a rent repayment order under section 43 in favour of a tenant, the amount is to be determined in accordance with this section.

(2) The amount must relate to rent paid during the period mentioned in the table.

If the order is made on the ground that the landlord has committed	*the amount must relate to rent paid by the tenant in respect of*
an offence mentioned in row 1 or 2 of the table in section 40(3)	*the period of 12 months ending with the date of the offence*
an offence mentioned in row 3, 4, 5, 6 or 7 of the table in section 40(3)	*a period, not exceeding 12 months, during which the landlord was committing the offence*

(3) 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 that period, 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.

RELEVANT UNDERLYING OFFENCES

7. S 72 of the 2004 Act states, *inter alia*, as follows: -

Offences in relation to licensing of HMOs

(1) A person commits an offence if he is a person having control of or managing an HMO which is required to be licensed under this Part (see section 61(1)) but is not so licensed.

8. S 61(1) of the 2004 Act, as referred to above, states that: -

Requirement for HMOs to be licensed

(1) Every HMO to which this Part applies must be licensed under this Part unless—

(a) a temporary exemption notice is in force in relation to it under section 62, or

(b) an interim or final management order is in force in relation to it under Chapter 1 of Part 4.

9. S 55 of the 2004 Act addresses licensing of HMOs to which Part 2 applies: -

Licensing of HMOs to which this Part applies

(1) This Part provides for HMOs to be licensed by local housing authorities where—

(a) they are HMOs to which this Part applies (see subsection (2)), and

(b) they are required to be licensed under this Part (see section 61(1)).

(2) This Part applies to the following HMOs in the case of each local housing authority—

(a) any HMO in the authority's district which falls within any prescribed description of HMO, and

(b) if an area is for the time being designated by the authority under section 56 as subject to additional licensing, any HMO in that area which falls within any description of HMO specified in the designation.

DEFINITION OF AN HMO

10. A commonly used definition of an HMO is where three or more people forming two or more households occupy a property as their main residence and share basic facilities (e.g., a kitchen or bathroom).

11. S 254 of the 2004 Act provides the exact definition of an HMO, the relevant parts of which state: -

Meaning of "house in multiple occupation"

(1) For the purposes of this Act a building or a part of a building is a "house in multiple occupation" if—

(a) it meets the conditions in subsection (2) ("the standard test");

(b) it meets the conditions in subsection (3) ("the self-contained flat test");

(c) it meets the conditions in subsection (4) ("the converted building test");

(d) an HMO declaration is in force in respect of it under section 255; or

(e) it is a converted block of flats to which section 257 applies.

(2) A building or a part of a building meets the standard test if—

(a) it consists of one or more units of living accommodation not consisting of a self-contained flat or flats;

(b) the living accommodation is occupied by persons who do not form a single household (see section 258);

(c) the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it (see section 259);

(d) their occupation of the living accommodation constitutes the only use of that accommodation;

(e) rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation; and

(f) two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation is lacking in one or more basic amenities.

(3) A part of a building meets the self-contained flat test if—

(a) it consists of a self-contained flat; and

(b)paragraphs (b) to (f) of subsection (2) apply (reading references to the living accommodation concerned as references to the flat).

(4)A building or a part of a building meets the converted building test if—

(a) it is a converted building;

(b) it contains one or more units of living accommodation that do not consist of a self-contained flat or flats (whether or not it also contains any such flat or flats);

(c) the living accommodation is occupied by persons who do not form a single household (see section 258);

(d) the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it (see section 259);

(e) their occupation of the living accommodation constitutes the only use of that accommodation; and

(f) rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation.

(5) ...

(6) ...

(7) ...

(8) In this section—

- *“basic amenities” means—*

  (a) a toilet,

  (b) personal washing facilities, or

  (c) cooking facilities;

- *“converted building” means a building or part of a building consisting of living accommodation in which one or more units of such accommodation have been created since the building or part was constructed;*

- *“enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30);*

- *“self-contained flat” means a separate set of premises (whether or not on the same floor)—*

  (a) which forms part of a building;

  (b) either the whole or a material part of which lies above or below some other part of the building; and

  (c) in which all three basic amenities are available for the exclusive use of its occupants.

Case Law

12. The case of *Acheampong v Roman* [2022] UKUT 239 (LC) is a leading Upper Tribunal (Lands Chamber) case which provides guidance as to how the Tribunal should calculate the amount of a RRO, holding that it should: -

a. Start with the total rent paid during the relevant period.

b. Deduct utilities (gas, electricity, internet etc.) that benefit only the tenant.

c. Assess the seriousness of the landlord's offence.

d. Set a proportion of rent that reflects that seriousness, i.e., the starting point.

e. Adjust up or down based on the factors set out in s 44(4) of the 2016 Act.

13. The decision in *Daff v Gyalui* [2023] UKUT 134 (LC) at paragraphs 48 to 49 ranks housing offences by references to their general seriousness, stating: -

"48. The seven offences in respect of which a rent repayment order may be made are identified in section 40(3), 2016 Act. Two are offences of violence or intimidation (the use of violence for securing entry contrary to section 6(1), Criminal Law Act 1977, and eviction or harassment of occupiers contrary to section 1, Protection for Eviction Act 1977). Those offences are plainly the most serious of those listed in section 40(3) and in the Magistrates Court they punishable by a fine and a term of imprisonment of up to six months (up to two years in the Crown Court). The offence of breaching a banning order contrary to section 21, 2016 Act, is also particularly serious and is punishable by a term of imprisonment of up to 51 weeks or a fine or both. These three offences are at the upper end of the range of seriousness covered by section 40(3).

49. The remaining four offences all involve breaches of provisions of the 2004 Act (failure to comply with an improvement notice or a prohibition order, and control or management of an unlicensed HMO or Part 3 house) and are generally of a less *serious type. That can be seen by the penalties prescribed for those offences which in each case involve a fine rather than a custodial sentence. Although generally these are lesser offences, there will of course be more or less serious examples within each category. The circumstances relating to a failure to comply with an improvement notice, for example, may vary significantly. So too may be circumstances pertaining to a licensing offence."*

14. The case of *Newell v Abbott* [2024] UKUT 181 (LC) is another Upper Tribunal (Lands Chamber) case which provides a summary of Upper Tribunal (Lands Chamber) decisions regarding quantum in recent licensing cases, and suggests that there ought to be consistent decision making in cases such as this, where it states at paragraph 47: -

    "47 Before considering the quantum of the orders I remind myself of orders the Tribunal has made in other similar cases. It is an important part of this Tribunal's function to promote consistent decision making. It is relevant therefore to consider those cases involving licensing offences in which the level of rent repayment has been determined by the Tribunal. Each case is different and in each case the decision maker must exercise their own discretion, but the pattern of decisions in other cases is a necessary point of refence and a relevant factor to which regard should be had."

Directions

15. Directions in respect of the Application were made by a Legal Officer on 27 January 2026 *("the Directions")* requiring, *inter alia*, sequential filing and service of the parties' statements of reasons and evidence in support and any reply.

16. By Order made on 14 April 2026 *("the Barring Order")*, the Tribunal proposed to bar the Respondents from taking further part in the proceedings pursuant to Rule 9(7)(a) of the Tribunal Procedure (First-tier) Tribunal (Property Chamber) Rules 2013 *("the Property Chamber Rules")*, due to their failure to file and serve their

abovementioned statement of reasons and evidence in support, despite a reminder sent on 2 April 2026.

The hearing

17. The hearing of the Application took place by way of a video hearing on 15 May 2026.

18. The Applicants appeared and were represented by Eva Sherratt of Justice For Tenants.

19. The Respondents failed to attend the hearing or to comply with the Barring Order.

Absence of the Respondents

20. In light of the above, the Applicants invited the Tribunal to proceed with the hearing in the Respondents' absence.

21. Rule 34 of the Property Chamber Rules provides that, if a party fails to attend a hearing, the Tribunal may proceed with the hearing if it: -

    (a) is satisfied that the party has been notified of the hearing or that reasonable steps have been taken to notify the party of the hearing; and

    (b) considers that it is in the interests of justice to proceed.

22. The Applicants submitted that the Respondents were aware of the proceedings, having been copied into correspondence from the Tribunal and the Applicants and having replied to it, most recently where "Andy McMillan" emailed the Tribunal on 15 May 2026 in response to being sent the CVP link for the video hearing to say "I'm away" (being the entirety of the email).

23. The Tribunal was therefore satisfied that the Respondents were aware of the proceedings and that it was in the interests of justice to proceed, particularly given that the Application had been made in January 2025, and the Respondents had been given several opportunities to engage with the proceedings by way of the Directions, Barring Order and reminder but had failed to do so.

Identity of the Respondents

24. The Applicants submitted that: -

a. The First Respondent is believed to be an appropriate respondent because he is listed as the immediate landlord in the written assured shorthold tenancy entered into with the First Applicant.

b. The Second and Third Respondents are believed to be appropriate respondents because they are registered at HM Land Registry as being the proprietors of freehold title to the Property.

c. They believe that the First Respondent and the Second Respondent are the same person; Andy being an alternative version of Andre.

d. The Respondents as noted in the Application are therefore the “person having control” of the Property because they are the person who received or would so receive the rack-rent if the Property were to be let.

25. The Tribunal was not satisfied that there was sufficient evidence that the First Respondent was a distinct legal person who had control of or managed the Property or who received the rent in respect of it. It determined, therefore, that he should be removed as a party to the proceedings.

26. It was satisfied, however, that the Second Respondent and Third Respondent were proper parties to the proceedings; they are the registered proprietors of the Property

and are noted on the Applicants' bank statements as the payee of their respective rent payments.

The issues

27. The following issues were identified for determination by the Tribunal: -

    a. Whether the Tribunal is satisfied beyond reasonable doubt that the Respondent has committed (in this case) an offence pursuant to s.72(1) of the 2004 Act - control or management of unlicensed HMO.

    b. Did the offence relate to housing that, at the time of the offence, was let to the Applicants?

    c. Was an offence committed by the Respondent in the period of 12 months ending with the date the Application was made?

    d. What is the applicable 12-month period?

    e. What is the maximum amount that can be ordered under section 44(3) of the 2016 Act?

    f. What account must be taken (under section 44(4) of the 2016 Act) of:

        (a) The conduct of the Respondents?
        (b) The financial circumstances of the Respondents?
        (c) Whether the Respondents have at any time been convicted of a relevant offence?
        (d) The conduct of the Applicants?
        (e) Any other factors?

The evidence

28. The Tribunal was provided with, *inter alia*, the following from the Applicant: -

    a. A skeleton argument, a 256-page bundle of evidence from the Applicants which contained, amongst other documents, full details of the alleged offence, a calculation of the amount paid in the applicable period, a summary of the conduct of the parties, s statement of reasons, a witness statement on behalf of each of the Applicants, and a bundle of documents including the Directions and the Banning Order, proof of payment of the rent, guidance, and correspondence.

29. As above, it did not receive any substantive documentation from the Respondents in opposition to the Application.

Determination

30. The Tribunal's determination was as follows: -

<u>Whether the Tribunal is satisfied beyond reasonable doubt that the Respondent has committed (in this case) an offence pursuant to s 72(1) of the 2004 Act - control or management of unlicensed HMO</u>

31. The Tribunal found that: -

    a. The additional licensing scheme came into force on 1 April 2023 and shall cease to have effect on 31 March 2028.

    b. The Property was located within 1 of the 8 electoral wards to which the scheme applied.

c. The Property required an HMO licence. This was confirmed in an email from the City of York Council dated 21 March 2024. A further email dated 29 January 2025 stated that the application was submitted on 17 June 2024 and 21 September 2024 but rejected. It was finally submitted on 6 December 2024 and accepted on 13 December 2024. Finally, an email dated 21 January 2025 confirmed that a licence was due to be granted on 28 January 2025.

d. Accordingly, between the period 1 April 2023 and 5 December 2024 (the day before a valid application was submitted), the offence was committed.

e. The Second and Third Respondents are the registered proprietors of the Property and, as above, received rent in respect of the Applicants' tenancies.

f. The Second Respondent was also letting out and managing the Property. The Applicants exhibited email correspondence with "Andy", which is the nickname of the Second Respondent.

32. The Tribunal is therefore satisfied, beyond reasonable doubt, that the Second and Third Respondents committed an offence under s 72(1) of the 2004 Act.

<u>Did the offence relate to housing that, at the time of the offence, was let to the Applicants?</u>

33. This element relates to s 41(2)(a) of the 2016 Act.

34. Each of the Applicants occupied the Property before 1 April 2023, being the date that the additional licensing scheme came into force and all were in occupation during the period that the offence persisted as follows: -

a. The First Applicant vacated the Property on 29 February 2024.

b. The Second Applicant vacated the Property on 31 January 2024.

c. The Third Applicant vacated the Property on 21 May 2024.

<u>Was an offence committed by the Respondent in the period of 12 months ending with the date the Application was made?</u>

35. This element refers to s 41(2)(b) of the 2016 Act. If it is not satisfied, then the Application will be out of time.

36. The Application Form was dated 23 January 2025 as signed by the First and Second Applicants, and 27 January 2025 as signed by the Third Applicant. It appears that it was received by the Tribunal on the latter date.

37. As above, the last date of the offence was 5 December 2024.

38. Accordingly, this element is satisfied.

<u>What is the applicable 12-month period?</u>

39. This element refers to s 44(2) of the 2016 Act, where (so long as the Application was made within the 12-month window set out at s 41(2)(b) addressed above), the Applicants can seek a RRO for any period of up to 12 months during which the offence was being committed and during which the Property was let to them.

40. The offence in this case is a continuing offence and persisted from 1 April 2023 until 5 December 2024, being the day before a valid licence application was submitted.

41. The applicable 12-month period for the Applicants is as follows: -

a. For the First Applicant, 5 April 2023 to 4 January 2024.

b. For the Second Applicant, 1 April 2023 to 31 January 2024.

c. For the Third Applicant, 1 April 2023 to 31 January 2024.

<u>What is the maximum amount that can be ordered under section 44(3) of the 2016 Act?</u>

42. The maximum amount that can be awarded is therefore as follows: -

a. For the First Applicant, £3,294.80.

b. For the Second Applicant, £4,040.25.

c. For the Third Applicant, £3,705.80.

<u>What account must be taken (under section 44(4) of the 2016 Act)?</u>

43. In accordance with the case of *Acheampong*, in summary, the Tribunal should: -

a. Start with the total rent paid during the relevant period.

See above at paragraph 42.

b. Deduct utilities (gas, electricity, internet etc.) that benefit only the tenant.

The Applicants submitted, and the Tribunal found, that they were responsible for all charges relating to the supply and use of utilities at the Property, therefore no deduction should be made.

However, the Applicants confirmed that the council tax was to be split equally between the tenants. It was to be paid in 10 instalments and added to their rent for the 10 months for which it was due to be paid, i.e. April to January inclusive.

The Property was in Band D, and the council tax for the year 2023/24 was £1,946.12 per annum.

The Applicants' evidence was that the Property was occupied by themselves, plus another tenant named Robert Foden, during the relevant period. Accordingly, the council tax ought to be split between the 4 tenants, amounting to £486.53 per tenant.

That would equate to £40.54 per month.

Applying that to the Applicants: -

> The First Applicant was claiming 9 months' rent, and so £364.90 ought to be deducted from the total rent paid
> £3,294.80 - £364.90 = £2,929.90
>
> The Second Applicant was claiming 10 months' rent, and so £405.40 ought to be deducted from the total rent paid
> £4,040.25 - £405.40 = £3,634.85
>
> The Third Applicant was claiming 10 months' rent, and so £405.40 ought to be deducted from the total rent paid
> £3,705.80 - £405.40 = £3,300.40

c. Assess the seriousness of the landlord's offence.

The Tribunal is satisfied that the offence of having control of an unlicensed property is a serious offence. Additional licensing is an important means by which local authorities can address specific problems arising in particular areas, and failure to comply with the scheme has the potential to significantly undermine the effectiveness of the scheme. The requirement for a license must have been known, or should reasonably have been known, by all private landlords or managing agents in the relevant additional licensing area. RROs are intended to have, as one of their functions, a deterrent effect. As determined in the case of *Daff*, however, it is not one of the most serious.

d. Set a proportion of rent that reflects that seriousness, i.e., the starting point.

The Applicants submitted that decisions such as in the case of *Newell* indicate a mid-range starting point in “conduct” neutral cases was around 60%. However, the instant case was more serious, because: -

- The Property was let for a long period without a licence.

- There were deposit protection issues, where the Applicants were asked to pay deposits but did not receive any deposit protection information.

- The Property lacked internal fire doors and did not have a door leading into / out of the kitchen, nor did it have any fire safety equipment (e.g., fire blankets or fire extinguishers).

- The Third Applicant experienced an ongoing leak from the ceiling above the window above her bedroom from the day she moved in and, despite it being raised several times, it was never addressed. The bedroom also developed severe black mould on the wall beneath, spreading to her clothes and shoes. The Second Applicant also reported water and mould in the corner of her bedroom. The water was leaking in from ceiling to floor and affected the wall in the living room below her room, which led to mould forming. This was not remedied until January 2023.

- The rear door leading from the courtyard to the alley could not be locked and was reported but not fixed.

- None of the Applicants received gas safety certificates, How To Rent Guides, EPCs or Electrical Safety Certificates.

- When the Applicants challenged a 2-day rent increase notice, it was responded to with threats of eviction.

The Applicants submitted that their case therefore sat between the cases of: -

> *Wilson v Arrow* [2022] UKUT 27 (LC) which involved a landlord on a small scale but whose unlicensed HMO had lacked important fire safety features including proper fire doors and alarms and who had failed to remedy those deficiencies for a year after becoming aware of them. The Upper Tribunal found that 90% was an appropriate starting point.
>
> *Choudhury v Razaq & Ors* [2022] UKUT 239 (LC), which involved a flat subject to selective licensing, but which was unlicensed. The flat was found not to be in a satisfactory condition, there were failings in fire safety equipment, the tenants' deposit was not protected, and the landlord did not hold gas or fire safety certificates. In that case, the Upper Tribunal determined that "this was not the most serious offence of its kind" and "absent any other factors" it ordered repayment of 75% of the rent.

The Tribunal considered the above factors and cases and determined that 75% was an appropriate starting point in the instant case.

e. Adjust up or down based on the factors set out in s 44(4) of the 2016 Act.

No evidence or submissions were advanced in relation to these factors and, on the material available, the Tribunal did not consider that any further adjustment would be appropriate.

Costs

44. The Applicants sought repayment of their application fee of £569 should they be successful in the Application and considering that the Respondents had completely failed to participate in it, failing to comply with the Directions or the Barring Order, and sending a two-word email in reply to being provided with the CVP link for the hearing.

45. The Tribunal agreed with those submissions and thus found that the Respondents had acted unreasonably in failing to properly engage in the proceedings and that it was therefore appropriate to make an order pursuant to Rule 13(2) of the Property Chamber Rules that the Second and Third Respondents should reimburse the Applicants for the application fee.

Conclusion

46. In respect of the identity of the Respondents, the Tribunal determined that the First Respondent ought to be removed as a party to the proceedings.

47. The Tribunal also determined that an RRO ought to be made against the Second and Third Respondents.

48. Having regard to the seriousness of the offence, the Tribunal considered an RRO of 75% of the maximum amount would be appropriate in respect of each of the Applicants, after deduction of the relevant council tax payments.

49. Accordingly, the Tribunal determined that a RRO would be made against the Second and Third Respondents and that they should be required to repay: -

    a. To the First Applicant the sum of £2,197.43.

    b. To the Second Applicant the sum of £2,726.14

c. To the Third Applicant the sum of £2,475.30

50. Finally, it determined that the Second Respondent and Third Respondent should be required to reimburse the Applicants in respect of the application fee of £569.

Judge Richard M. Dobson-Mason
18 May 2026