



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

Case reference : **LON/00AJ/HMF/2026/0008.**

Property : **Flat 5, 27 Summit Road, Northolt,
Middx UB5 5HJ**

Applicants : **Mohamed Ahmed Saed**

Respondents : **Uniwell Investments Limited**

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

Tribunal : **Judge Shepherd
Louise Crane MCIEH**

Date of Decision : **19th August 2026**

DECISION

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1. This is an application for a Rent Repayment Order. The Applicant is the assured shorthold tenant of premises at Flat 5, 27 Summit Road, Northolt, Middx UB5 5HJ (“The premises”). His tenancy began on 15th October 2024. The premises contains 6 studio rooms and is occupied by 10 people. His landlord is Bluehome Agency Limited who are the Respondent’s agents. The freeholders of the premises are Uniwell Investment Limited who were named as the Respondents to the application.
2. The Applicant’s application to the Tribunal was dated 3rd August 2025. He alleges that the Respondent is operating an unlicensed HMO and seeks a Rent Repayment Order amounting to £10450 representing rent for 9 and a half months from the start of his tenancy until his application.
3. The Respondents have defended these proceedings on two bases. Firstly, they say that an application was made for a license before the Applicant’s tenancy started and this application has not yet been resolved (“The Application point”). Secondly, they say that the Applicant has sued the wrong party. His landlord is named as Bluehome Agency on the tenancy agreement. Prior to the amendments made in the Renters Rights Act 2025, which do not affect this case it was only the immediate landlord that could be sued: *Rakusen v Jepsen* [2023] UKSC 9 (“The Respondent point”).
4. A hearing took place on 19th August 2026. It was attended by the Applicant and Mr Eilish on behalf of the Respondent. We heard argument in relation to the Application point. We indicated that we considered there was a defence for the entire period of the application because the evidence showed that the license application had been made and not yet resolved. These are the written reasons for that decision.
5. The relevant provision is s.72 of the Housing Act 2004 and specifically s.72(4) which states that:

(4) In proceedings against a person for an offence under subsection (1) it is a defence that, at the material time—

....(b) an application for a licence had been duly made in respect of the house under [section 63](#), and that notification or application was still effective (see subsection (8)).

.... 8) For the purposes of subsection (4) a notification or application is “effective” at a particular time if at that time it has not been withdrawn, and either—

(a) the authority have not decided whether to serve a temporary exemption notice, or (as the case may be) grant a licence, in pursuance of the notification or application, or

(b) if they have decided not to do so, one of the conditions set out in subsection (9) is met.....

6. There is no dispute that the Respondent has made an application for a license indeed they made this application on 10th June 2024. For reasons which are not known the application has not yet been dealt with by the Local Authority, Ealing. The Applicant speculates that this may be the result of planning issues – the Respondent does not currently have planning permission for operating the premises as an HMO he alleges – but there is no definitive evidence that this is the case. One thing is clear – the delay does not seem to be as a result of any defect in the application. In our experience delays of this sort in London are not unheard of. Ealing are apparently short staffed and under pressure of work at present.
7. The Respondents’ application for a license provides a total defence to the application for a Rent Repayment Order which itself relies on unlawful conduct under s.72. The Applicant was anxious for us to consider issues relating to the planning status of the premises but these don’t affect the provisions in s.72 of the Act.
8. Accordingly we have concluded that the application must be dismissed. We did not need to consider the Respondent point although it did seem likely that the Respondents would have a defence in this regard as well.
9. The Respondents are invited to put any cost application in writing to be filed and served within 14 days of receipt of this decision. The Applicant must then

file and serve any written response within 14 days of receiving those submissions.

Judge Shepherd

19th August 2026

RIGHTS OF APPEAL

1. 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.

2. 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.

3. 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.

4. 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.