



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

Case reference : **DS/LON/00BC/HMF/2026/0030 and linked application**

Property : **128D George Lane, London E18 1AD**

Applicant : **Jonathan Henry Beales**

Representative : **Litigant in person**

Respondent : **Ferman Property Ltd**

Representative : **Mr Ali Naqvi of Foskett Marr Gadsby & Head Solicitors**

Type of application : **Jurisdiction pursuant to section 41(2) of the Housing and Planning Act 2016**

Tribunal member : **Valuer Chairman Ian B Holdsworth**

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

Date of decision : **25 August 2026**

JURISDICTION DECISION

- a. The Tribunal determines that it has no jurisdiction to make a Rent Repayment Order in either application because the applications were not made within the period prescribed by section 41(2) of the Housing and Planning Act 2016. Both applications are dismissed.

The Application

1. The Applicant made two applications for Rent Repayment Orders ("RROs") under Chapter 4 of Part 2 of the Housing and Planning Act 2016. The applications are dated 26 September 2025 and 29 September 2025 respectively.
2. The Applicant relies upon: a. an alleged offence under section 95 Housing Act 2004 relating to the management or control of an unlicensed property; b. an alleged offence of harassment contrary to section 1 Protection from Eviction Act 1977; and c. an alleged offence under section 6 Criminal Law Act 1977.
3. The Tribunal directed that jurisdiction be determined as a preliminary issue following a Case Management Hearing (CMH) held on 2 June 2026.
4. The parties were given Directions by the Tribunal on 2 June 2026 following the CMH. The Directions invited them to submit written submissions on the preliminary issue of jurisdiction. They were advised the matter would be determined on papers without a hearing. No request for a hearing was made by either party. Submissions were received from both parties, and these are relied upon in making this determination.

Relevant law

5. Section 41(2) of the Housing and Planning Act 2016 provides that 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."
6. Accordingly, before considering the merits of any allegation, the Tribunal must be satisfied that the relevant offence was committed within the twelve months preceding the date of the application.

Tribunal Findings

Failure to obtain a selective licence

7. The Respondent accepts that following its acquisition of the property they did not obtain a selective licence. It confirmed in their submissions that a selective licence was granted on 23 May 2024. The Applicant concurs that the Respondent's licence commenced on 23 May 2024.
8. The Tribunal finds that any offence under section 95 Housing Act 2004 ceased no later than 22 May 2024 when the property became licensed. Accordingly, the latest date on which an application could be made in respect of that offence was therefore 22 May 2025.
9. Both applications were made more than four months after that date and consequently the Tribunal has no jurisdiction to make a Rent Repayment Order based upon this alleged licensing offence.

The applications with regard to the failure to obtain a selective licence are out of time.

Alleged harassment

10. The Applicant's case is that the Respondent engaged in a continuing course of conduct amounting to harassment under **section 1 Protection** from Eviction Act 1977. The alleged conduct includes:
 - failure to address repair complaints;
 - proposals for a substantial rent increase;
 - suggestions that the Applicant could leave the property;
 - building works;
 - gas meter issues;
 - interference with a storeroom;
 - anti-social behaviour issues;
 - an alleged attempted entry on 4 July 2024; and
 - service of a section 21 notice on 6 June 2024
11. The Tribunal accepts that these matters form a cumulative course of negative conduct. However, section 41(2) requires that the offence relied upon must have been committed within the twelve months preceding the application.
12. The Tribunal has therefore considered whether the Applicant has identified any act capable of amounting to harassment occurring on or

after 26 September 2024 for the first application, or on or after 29 September 2024 for the second application.

13. The Tribunal finds that the harassment conduct relied upon occurred between September 2023 and September 2024 save for two events, namely:
 - The service of a second section 21 notice dated 11 November 2024; and
 - the issue of possession proceedings in February 2025.
14. The Applicant presents these events as relevant background and the continuation of the Respondent's antagonistic approach rather than as separate offences. The Tribunal are aware that the service of a section 21 notice and commencement of possession proceedings are processes authorised by statute and undertaken through lawful legal process. The Tribunal is not satisfied that they constitute acts of harassment within section 1 Protection from Eviction Act 1977.
15. The Tribunal has also considered the Applicant's allegations concerning ongoing anti-social behaviour after September 2024. However, those allegations principally concern neighbouring occupiers and are not acts committed by the Respondent which can constitute a qualifying offence for RRO purposes.
16. The Tribunal therefore finds that no qualifying act of harassment is identified within the statutory twelve-month period preceding either application.

Alleged Violence for Securing Entry

17. The Applicant also relies upon the provisions of **section 6 Criminal Law Act 1977**. The factual allegations relied upon by the Applicant concern incidents in July, and particularly the events of 4 July 2024. Those incidents occurred more than twelve months before either application.
18. The Tribunal is not referred to any alleged act of violence or threatened violence for securing entry occurring within the period twelve months before the applications.
19. Accordingly, the Tribunal finds that any allegation under section 6 Criminal Law Act 1977 is also outside the statutory period prescribed by section 41(2) Housing and Planning Act 2016.

Summary of findings

20. The alleged licensing offence ceased on or before 22 May 2024 and was not the subject of an application within twelve months.
21. No act capable of constituting harassment within section 1 Protection from Eviction Act 1977 or section 6 Criminal Law has been identified within twelve months before either application.
22. The statutory requirements of section 41(2) Housing and Planning Act 2016 are therefore not satisfied.

Name: Valuer Chairman Ian Holdsworth

Date: 25 August 2026

RIGHTS OF APPEAL

- i. 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.
- ii. 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.
- iii. 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.
- iv. 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.