



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

Case Reference : **MAN/00CJ/HMF/2025/0663**

Property : **65 LadyKirk Road, Newcastle upon Tyne, NE4 8AH**

Applicant : **Petra Miskovicova**

Respondent : **Deborah Ajayi**

Type of Application : **Housing and Planning Act 2016 – Section 41(1)**

Panel Members : **Judge J Adams
Member Ian Jefferson FRICS
Member Julie Chisholm**

Date of Decision : **27 July 2026**

Date of Issue : **5th August 2026**

DECISION

The Tribunal have determined that they intend to strike out the Application pursuant to s. 9 (3) b) and e) of The Tribunal Procedure (First-Tier Tribunal) (Property Chamber) Rules 2013. The Tribunal, pursuant to s.9 (4) hereby give notice of the proposed strike out.

As set out at paragraphs 24-26 below should the Applicant seek to oppose strike out she should make representations as to why the application should not be struck out

within 7 days of the date of issue set out above. The Respondent may if so advised file a response to the representations of the Applicant within 7 days of receipt.

The Application

1. The Tribunal has received an application (dated 13 December 2025) under section 41 of the Housing and Planning Act 2016 (the Act) from the Applicant tenant for a rent repayment order (RRO).
2. The Tribunal issued Directions on 31 March 2026 to determine this matter.
3. The Applicant has alleged that the Respondent operated an unlicensed property, the property being one let to the tenant at 65 LadyKirk Road, Newcastle, NE4 8AH (Property). It is alleged that the Property was unlicensed during the period of approximately April 2025 to October 2025, when it was required to have a selective licence, such that an offence under s.95 (1) of the Housing Act 2004 (as amended) has been committed by the Respondent.
4. The matter was listed for determination at an attended hearing on 27 July 2026 when the Applicant failed without explanation to attend. The Respondent was not in attendance, having requested that she be permitted to attend remotely, and having not been advised until the day of the hearing that remote attendance could not be facilitated was content for the Tribunal to consider the matter on the papers.
5. The Tribunal proceeded to consider the matter on the papers. The matters for the Tribunal to decide were (a) whether to make a rent repayment order and, if so, (b) for what amount.
6. The **issues** for the Tribunal to consider included:

- i. Whether the Tribunal is satisfied beyond reasonable doubt that the landlord has committed one or more of the following offences:

	<i>Act</i>	<i>Section</i>	<i>General description of offence</i>
1	Criminal Law Act 1977	s.6(1)	violence for securing entry
2	Protection from Eviction Act 1977	s.1(2), (3) or (3A)	unlawful eviction or harassment of occupiers
3	Housing Act 2004	s.30(1)	failure to comply with improvement notice
4	Housing Act 2004	s.32(1)	failure to comply with prohibition order etc.

5	Housing Act 2004	s.72(1)	control or management of unlicensed HMO
6	Housing Act 2004	s.95(1)	control or management of unlicensed house
7	Housing and Planning Acts 2016	s.21	breach of banning order

ii. Did the offence relate to housing that, at the time of the offence, was let to the tenant?

iii. Was an offence committed by the landlord in the period of 12 months ending with the date the application was made?

iv. What is the applicable 12-month period?¹

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

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

- (a) The conduct of the landlord?
- (b) The financial circumstances of the landlord?
- (c) Whether the landlord has at any time been convicted of an offence shown above?
- (d) The conduct of the tenants?
- (e) Any other factors?

The Decision

7. The Tribunal considered the papers provided by both the Applicant and Respondent and determined that the non-compliance by the Applicant with the Directions Order of 31 March 2026 coupled with their failure to attend the hearing on 27 July 2026 left the Tribunal in a position where it was not possible to determine the matter.

Issues of non-compliance

8. The Applicant was required by the Directions dated 31 March 2026 to provide to the Tribunal a number of documents in support of their application. The directions stated as follows:

How the Applicant (Tenant) should prepare for the hearing

1. Within 28 days of the date of these directions the Applicant must provide a bundle of relevant documents for use at the hearing. The bundle must be numbered page by page and must include:

- (i) Full details of the alleged offence(s), with supporting documentation from the Local Housing Authority, if available (Note: The Tribunal will need to be satisfied beyond reasonable doubt that an offence has been committed)
- (ii) A copy of the tenancy agreement
- (iii) Evidence of the payments made during the 12 months period recoverable (such as bank statements)
- (iv) A calculation on a weekly/monthly basis of the amount of rent paid in the applicable period (see above), excluding any universal credit/ housing benefit
- (v) A copy of the appeal or application form and accompanying documents
- (vi) A copy of these directions
- (vii) An expanded statement of the reasons for the application
- (viii) Applicant to provide any evidence of the offence(s) alleged.
- (ix) The name(s) of any witness(es) who will give evidence at the hearing, with a signed and dated statement/ summary of their evidence, stating that it is true (and see Notes below)
- (x) Any other documents to be relied upon in evidence.

The Applicant must provide a copy of the bundle to the Tribunal and a copy to the Respondent.

9. On 29 April 2026 the Tribunal sent to the Applicant a reminder that the documents required by the directions (due by 28 April 2026) had not been received, and extended the time for compliance to 6 May 2026. Notice of the hearing, listed for 27 July 2026 was issued to both the Applicant and the Respondent on the same date.
10. The Applicant failed to respond and a notice of proposed strike out for non-compliance by the Applicant was issued on 8 May 2026. The Applicant responded the same day, replying *'I sent you all the documents, bank statements, I sent everything to you by email'*. The Applicant was referring to the application, initial page of the tenancy agreement, bank statements and text message exchanges between the Applicant and Respondent which were provided at the outset of the application, with the application form or shortly thereafter to enable listing/allocation.
11. By way of email dated 11 May 2026 the Tribunal responded to the Applicant as follows: *'Please find attached a copy of the Directions. Please ensure you have fully complied with the section titled "How the Applicant (Tenant) should prepare for the hearing". Please complete said instructions and notify the Tribunal by 5pm on Thursday 21st May 2026'*.
12. The Applicant failed to respond to the email from the Tribunal. The matter was further considered by a Procedural Judge who considered that the Applicant should be permitted to present their case at the hearing on 27 July 2026.

13. The Applicant's documents ran to some 20 pages, including the application form of 7 pages and tenancy documents, bank statements and text messages running to 13 pages.
14. The Respondent thereafter complied with the directions issued and supplied a bundle running to some 33 pages.
15. The matter was listed for determination at an attended hearing on 27 July 2026. An interpreter had been arranged to assist the Applicant at the hearing, and attended the hearing venue. The Applicant did not attend and did not provide any explanation to the Tribunal to explain her non-attendance. As set out above, the Respondent had sought permission to attend but it is understood had not been advised of the outcome of the request. As the hearing venue could not facilitate remote attendance at short notice, the Respondent was content for the Tribunal panel to determine the matter on the papers.

The Hearing

16. The panel proceeded to consider the matter on the papers. It was apparent to the panel that it would not be possible to reach a determination on the Application due to the failure of the Applicant to fully comply with the issued directions and provide the necessary documentation. The absence of the Applicant at the hearing prevented the Tribunal from clarifying these matters with the Applicant.
17. The Tribunal considered the following matters had not been addressed by the Applicant in the statement of case/documents submitted, preventing the Applicant reaching a determination:
 1. A full copy of the tenancy agreement had not been provided, there was confusion between the documents provided as to the exact dates of the tenancy and previous tenancies, there being reference to the current tenancy being a renewal tenancy. The Respondents bundle also raised further issues as to the tenancy dates which required clarification. As such the Tribunal would not be able to calculate any relevant period for a RRO without further information.
 2. The evidence as to the rent due and paid was incomplete, there was reference to payments of both £850 and thereafter £1050 per month however the Applicants evidence did not show proof of payments made for the entire duration of the claim period. The documents provided did not comply with the directions as to evidence of all rent paid, with no overall statement of the same.
 3. The Applicant's own evidence referenced receipt of universal credit. The Applicant did not provide the Tribunal with any evidence from Universal Credit as to the Housing element of her award, making it impossible for the Tribunal to calculate any RRO in the event an award was made. This represented a specific failure to comply with the directions in this regard.

18. The Tribunal noted that the directions issued specifically referred to the fact that the Applicant needed to prove her case (being the Applicant) to the relevant standard. The Tribunal could not be satisfied beyond a reasonable doubt that an offence had been committed nor that the Applicant was entitled to a RRO by virtue of the matters above.

Decision

19. The Tribunal concluded that the lack of compliance and failure to provide all documents required by the directions made it impossible for the Tribunal to reach a determination. In light of the failure to comply and the previous warnings as to non-compliance alongside the failure to attend the listed hearing the Tribunal determined that a proposed notice of strike out should be issued pursuant to S. 9 (3) b) and e) of The Tribunal Procedure (First-Tier Tribunal) (Property Chamber) Rules 2013 (Rules). The Rules provide:

s. 9 (3) The Tribunal may strike out the whole or a part of the proceedings or case if—

(b) the applicant has failed to co-operate with the Tribunal such that the Tribunal cannot deal with the proceedings fairly and justly;

(e) the Tribunal considers there is no reasonable prospect of the applicant's proceedings or case, or part of it, succeeding.

20. The Tribunal also considered overriding objective at s.3 of the Rules which provides:

s. 3 The overriding objective of these Rules is to enable the Tribunal to deal with cases fairly and justly.

(2) Dealing with a case fairly and justly includes—

(a) dealing with the case in ways which are proportionate to the importance of the case, the complexity of the issues, the anticipated costs and the resources of the parties and of the Tribunal;

(b) avoiding unnecessary formality and seeking flexibility in the proceedings;

(c) ensuring, so far as practicable, that the parties are able to participate fully in the proceedings;

(d) using any special expertise of the Tribunal effectively; and

(e) avoiding delay, so far as compatible with proper consideration of the issues.

(3) The Tribunal must seek to give effect to the overriding objective when it—

(a)exercises any power under these Rules; or

(b)interprets any rule or practice direction.

(4) Parties must—

(a)help the Tribunal to further the overriding objective; and

(b)co-operate with the Tribunal generally.

21. The Tribunal considered that the Applicant has failed to cooperate with the Tribunal such that the hearing on 27 July 2026 had been rendered ineffective. Furthermore on the basis of the evidence before it the Tribunal considered that the Applicant had no real prospect of succeeding on the case presented.
22. The Tribunal also considered that the Applicant was in breach of the overriding objective and further, disposal of the matter at this stage enabled to the Tribunal to further the overriding objective, dealing with the case proportionally in light of substantive failures of the Applicant to comply fully with Tribunal directions and attend the hearing.
23. Pursuant to s.9 (4) of the Rules the Tribunal must issue a Notice of Proposed Strike out to the Applicant and allow representations before striking out.
24. If the Applicant wishes to oppose strike out she must respond in writing to the Tribunal setting out her reasons as to why the application should not be struck out within 7 days of the date of issue of this decision, as set out above.
25. If the Respondent so wishes, she may respond to any representations made by the Applicant and must do so no later than 7 days from receipt of any representations made by the Applicant.
26. The Tribunal will consider whether to strike out upon receipt of any representations. In the event that no representations are made by the Applicant in accordance with the above, the application will stand struck out.

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.