



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

Case Reference : **BIR/00CT/HNA/2026/0052**

Property : **261 Shenstone Road, Edgbaston,
Birmingham, West Midlands, B93 8BS**

Applicant : **Julita Hille**

Representative : **Mr Chouhan**

Respondent : **Birmingham City Council**

Type of Application : **Financial Penalty**

Date : **1st October 2026**

DECISION

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1. The Applicant is a licence holder under Birmingham City Council Additional Licensing Scheme.
2. On 17th September 2025 the Respondent imposed a Financial Penalty of £14,000 in respect of an offence contrary to section 72(3) of the Housing Act 2004 (failure to comply with conditions - Additional Licensing). The particulars of the offence were a failure on 31st March 2025 to comply with condition 5 of the licence in respect of carbon monoxide alarm
3. Appeal provisions are set out in paragraph 10 of Schedule 13A to the Housing Act 2004. As no time limit for starting proceedings is prescribed Rule 27(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 applies:

“Where the notice of application relates to a right to appeal from any decision (including any notice, order or licence), the applicant must provide the notice of application to the Tribunal within 28 days after the date on which notice of the decision to which the appeal relates was sent to the applicant.”
4. The 28-day time limit expired on 15th October 2025. The Applicant has requested an extension of time for appealing under Rule 6(3)(a).
5. Unless the Tribunal extends time for appealing the Tribunal must strike out these proceedings under Rule 9(2)(a) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 because the appeal was made outside the 28-day period.
6. On 26th June 2026 I issued Directions requiring both parties to file written representations on extension of time/strike out and listing the matter for oral hearing. I have considered Applicant’s detailed written representations on extension of time received on 14th July 2026 and Respondent’s Response to application for extension of time dated 20th July 2026.
7. The hearing was fixed for 1st October 2026 in Birmingham. The parties were notified of the hearing on 25th August 2026. Callum Styring, solicitor, attended on behalf of the Respondent. Neither the Applicant nor her representative attended. Telephone calls and emails from Tribunal staff on the morning of the hearing were not responded to by either the Applicant or her representative.

Facts

8. Final Notice issued on 17th September 2025.
9. On 6th October 2025 the Tribunal received an email (copied to the Respondent):

NOTICE OF APPEAL

Re: BCC - 336582555929H - 261 Shenstone Road B16 OPG

Dear Sir,

I hereby make an Appeal against Birmingham City Council’s Notice to impose financial Penalty

1. *To Appeal the decision to impose a financial penalty*
2. *The whole amount of the penalty*

[Official complaint against Birmingham City Council employee]

*Yours
Mr Chouhan
Hille*

The email listed as attachment “*Appeal to First tier*” this was a letter in substantially the same form as the email.

10. On 20th October 2025 a Tribunal case officer replied requesting that the Applicant completed an application form (with links to the appropriate website to obtain the appropriate form) and indicating that without an appropriate application from the Tribunal would not be able to progress matters. The Applicant was also advised that complaints against Birmingham City Council staff were not a matter that the Tribunal could consider.
11. The Tribunal received emails from the Respondent on 24th November and 17th December 2025 and 19th and 28th January 2026 enquiring if a completed application had been received. The Respondent was advised that no application had been received from the Applicant.
12. On 6th March 2026 the Respondent made application to Birmingham County Court for Order for Recovery of Award. That application was granted on 17th March 2026 by a District Judge. The Applicant applied to have the Order set aside. On 9th June 2026 a Deputy District Judge having heard from Mr Chouhan and the Respondent refused the application to set aside. I was told by Mr Styring that the Applicant has made an application for permission to appeal.
13. On 23rd March 2026 the Tribunal received a phone call from the Applicant. The Applicant was told, by email, to send application form and supporting documents. Application form was received from the Applicant later that day. I note that application from HO4 has been backdated by the Applicant to the date of the email of 6th October 2026.
14. The application was accompanied by “Additional Licensing Post Compliance Inspection Report”. However, copy of Final Notice, as specified in the application form, was not included. The Applicant was subsequently assessed as eligible for help with fees. Copy of Final Notice was finally received by Tribunal on 25th May 2026.

The Law

15. I am satisfied that the email of 6th October 2025 was not a valid appeal as it did not include a completed application form HO4, application fee/help with fees or a copy of the Final Notice. The Applicant was advised by the Tribunal on 20th October 2026 of the procedural requirements but failed to comply.

16. The approach to be taken in such cases is set put by the Upper Tribunal in **Rafiul Islam v Thanet District Council** [2025] UKUT 281 (LC). The Tribunal must consider the matter in three stages:

(1) assessing the seriousness of the relevant failure to comply with a tribunal rule or procedure;

(2) considering why the default occurred; and

(3) evaluating all of the relevant circumstances to enable the tribunal to deal fairly and justly with the case.

17. The failure to comply with the Tribunal's requirement to complete a valid application from is a serious one. It is compounded by failure to pay an application fee or to seek help with fees. The default lasted from 20th October to 23rd March – some 5 months.

18. I have read the Applicant's written representations on extension of time carefully but am unable to find any explanation for the default whatsoever. The Applicant is simply silent on why she failed to complete an application from when requested to do so.

19. The Financial Penalty of £14,000 is substantial and I am mindful that striking out the appeal will have serious consequences for the Applicant. However, the County Court has now made an Order for recovery and refused the Applicant's application to set aside. I am quite satisfied that the Applicant was only stirred into action on 23rd March 2026 following the issue of the County Court Order on 17th March 2026. Finality is an important part of any litigation. The Respondent is also entitled to be able to conduct its regulatory function and enforcement of housing standards in a timely and efficient manner. Balancing those competing interests, I am satisfied that dealing fairly and justly with the case requires me to refuse application to extend time for the Applicant to comply with the Tribunal's request to complete an application form and pay application fee/request help with fees.

Decision

20. The appeal against Financial Penalty imposed on 17th September 2025, made by email dated 6th October 2026, is struck out.

D Jackson
Regional Judge

Either party may appeal this Decision to the Upper Tribunal (Lands Chamber) but must first apply to the First-tier Tribunal for permission. Any application for permission must be in writing, stating grounds relied upon, and be received by the First-tier Tribunal no later than 28 days after the Tribunal sends its written reasons for the Decision to the party seeking permission.