FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case reference	:	**LON/00AU/HMF/2025/0804**
Property	:	**83 Sussex Way, London N7 6RU**
Applicant	:	**Ines Garcia**
Representative	:	**I/P**
Respondent	:	**Ruth Robinson**
Representative	:	**Not present**
Type of application	:	**Rent Repayment Order**
Tribunal	:	**Judge Tagliavini** **Ms S Coughlin MCIEH**
Date of Hearing **Date of Decision**	:	**18 September 2026** **19 October 2026**

DECISION

© CROWN COPYRIGHT 2025

The tribunal's summary decision

(1) The application for a rent repayment order is refused.

(2) The tribunal makes no order for the reimbursement of the application or hearing fee.

The application

1. This is an application made pursuant to s.41(1) Housing and Planning Act 2016. The applicant alleges the respondent has committed an offence of having the control and management of an unlicensed HMO as defined by s.72(1) Housing Act 2004 ('the 2004 Act').

The background

2. In her application form, Ms Garcia stated:

> *I am applying for a Rent Repayment Order on the grounds that the landlord, Ruth Robinson, committed an offence under Section 72(1) of the Housing Act 2004, by controlling or managing an unlicensed house in multiple occupation (HMO) at 83 Sussex Way, London N7 6RU during my tenancy.*
>
> *I lived at the property from 8 April 2025 to 4 May 2025 and paid £900 in rent. Islington Council has confirmed that the property was unlicensed and has opened an investigation. Additionally, there is a prior First-tier Tribunal decision against the same landlord (ref. LON/00AU/HMF/2024/0059) ordering repayment of over £5,000 to previous tenants for the same offence.*
>
> *After only one week in the property, I experienced escalating harassment, verbal aggression, and repeated intrusions by the landlord, which led to my early departure for safety reasons.*
>
> *I believe this amounts to constructive eviction. The experience caused significant emotional distress, including anxiety, disrupted sleep, and health issues. I also incurred financial harm from the sudden relocation, lost working time, and costs related to rehoming myself and my pet. Despite paying for a full month, I was only able to stay for 9 days.*
>
> *I am therefore seeking a full 100% rent repayment of £900, which I believe is proportionate given the seriousness of the offence and the personal impact*

The hearing

3. At the remote video hearing of the application, Ms Garcia appeared in person. The respondent had been barred from participating in an objection to the application and did not attend and was not represented. The applicant also provided a hearing bundle of 61 digital pages and gave oral evidence to the tribunal.

The Law

4. The burden of proof falls on the applicant and requires him to establish beyond all reasonable doubt (the criminal standard of proof) each element of the offence alleged has been committed by the respondent. Sections 72(1) of the 2004 Act provides:

> ***72 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.*

The tribunal's reasons

5. The tribunal finds the applicant has failed to prove beyond reasonable doubt that the subject property was required to be licensed under a London Borough of Islington additional licensing scheme. In particular, the tribunal finds the applicant has failed to prove beyond reasonable doubt that the property was occupied by two other tenants as their only or main residence during the period of her occupation, as she provided no evidence of their occupation.

6. The tribunal finds from the applicant's own written and oral evidence, that on 17 April 2025 she gave up her occupation of the property and went to live elsewhere, although a number of her personal items remained in the property. Although at the hearing, the applicant also asserted she had not given up occupation until 5 May 2025, the tribunal finds this referred only to the fact she had left some of her possessions behind, when she left the property on 17 April 2025. Therefore, the tribunal finds the maximum period for which a rent repayment order (RRO) could be made was 8 April 2025 to 17 April 2025.

7. Although the tribunal finds the applicant has failed to prove the alleged offence and is not required to consider the amount of any RRO had the offence been proved, the tribunal is required to consider when determining the amount of a rent repayment order, the factors set out in section 44(4) of the Act which include:

   - The conduct of the landlord and the tenant;
   - Financial circumstances of the landlord, and

- Whether the landlord has been convicted of an offence to which rent repayment orders apply.

8. The tribunal finds Ms Garcia paid £450 on 18 March 2025 and a deposit of £1125.00 on 19 March 2025. On 8 April 2025, the applicant paid a further £450 in respect of her occupation at the subject property.

9. However, as 50% of the first month's rent was paid in advance of the applicant's occupation of the subject property, it cannot be taken into account in making any order for a RRO as it was rent paid before the offence occurred; *Pearton v Betterton Duplex Ltd* [2025] UKUT LC 175. Therefore, the maximum rent paid during the period of the alleged offence in £450. The £900 per month rent equates to £29.59 per day and a total of £266.31 for the 9 day period 08/04/2025 to 17/04/2025.

10. From this amount, the tribunal is required to make deductions for the utilities that were included in the rent. In the absence of any evidence, the tribunal makes a nominal deduction of £25 for the applicant's period in occupation. This leaves a maximum of £241.31 that can be awarded.

11. The tribunal is required to consider when determining the amount of a rent repayment order the factors which are set out in section 44(4) of the Act and include:

    - The conduct of the landlord and the tenant;
    - Financial circumstances of the landlord, and
    - Whether the landlord has been convicted of an offence to which rent repayment orders apply.

12. In the circumstances of this application, the tribunal considers an appropriate percentage would be 70% of the maximum rent. This provides a figure of £168.92. The tribunal does not have any evidence on which to make any further reduction to take into account the financial circumstances of the landlord and therefore, had the offence been proved would have made a RRO in the sum of £168.92 (rounded to £169).

13. However, as the applicant has failed to prove the offence, the tribunal makes no order for a RRO and refuses the application.

Name: Judge Tagliavini **Date: 19 October 2026**

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 should be made on Form RP PTA available at https://www.gov.uk/government/publications/form-rp-pta-application-for-permission-to-appeal-a-decision-to-the-upper-tribunal-lands-chamber

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.

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.

If the Tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).