FIRST - TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference	**:**	**LON/00AE/HMF/2026/0091**
Property	**:**	**112 Preston Road, Wembley, London HA9 8NL**
Applicant	**:**	**Mr Mahendrakumar Jivanlal Pattni**
Representative	**:**	**In person with Ms Reshma Cheema (daughter)**
Respondent	**:**	**Ms Rajalakshmi Rajarayan**
Representative	**:**	**Mr Owen, solicitor of Kelly Owen Limited**
Type of Application	**:**	**Rent repayment order under sections 40-44 of the Housing and Planning Act 2016**
Tribunal Members	**:**	**Judge Dutton** **Mr S Mason FRICS**
Date and venue of Hearing	**:**	**10 Alfred Place, London WC1E 7LR on 13 October 2026**
Date of Decision	**:**	**29 October 2026**

DECISION

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DECISION

1. The Tribunal determines that the Respondent has, beyond reasonable doubt, committed the offence of failing to licence a house, which required licensing for the period 2nd February 2023 to 1st February 2024, contrary to s95(1) of the Housing Act 2004. The sum due in respect of such rent repayment order under section 41 of the Housing and Planning Act 2016 is £4,000 for the reasons set out below and that such payment must be made within 28 days of the date of this decision.

BACKGROUND

1. On 13 November 2025 the Tribunal received an application under section 41 of the Housing and Planning Act 2016 (the Act) from Mr Pattni. Directions were issued in the case on 15th April 2026 indicating a claim for the period 24 April 2024 to 31st March 2025 in the sum of £24,000.

2. The matter came before us for hearing on 13 October 2026.

3. The Applicant was a tenant of the Respondent Ms Rajalakshmi Rajarayan and occupied the premises with others. The premises were a three-bedroom semi-detached house at 112 Preston Road, Wembley, London HA9 8NL (the Property).

4. The Property sits within an area for which there is a selective licensing scheme which came into operation on 1 April 2024 and ceased to have effect 5 years thereafter. A licence was granted to the Respondent by Brent Council dated 14 July 2025, she having applied for same on 3 May 2025

5. The Applicant occupied under the terms of an assured short hold tenancy, the latest being for a period of 12 months from 1 April 2024 to 31 March 2025. We understood that the Applicant and members of his family had occupied the Property for over 20 years. The monthly payments for this tenancy were £2,000, and the Applicant was in receipt of Housing Benefit, which was evidenced by a copy letter from Brent Council dated 30 April 2024, produced at the hearing, amounting to £293.00 per week, starting on 3 April 2024.

6. Before the hearing we were provided with a bundle of papers on behalf of the Applicant, running to some 66 pages. The bundle included the application, selective licensing details, a copy of the tenancy agreement and bank statements confirming the rental paid, although one statement was missing, which was supplied at the hearing. The Respondent had filed a short witness statement. We have noted all that has been said in these documents.

HEARING

7. At the hearing Mr Owen set out the Respondent's case, which was not as advanced in her witness statement. In that document she told us that the Applicant had indicated a wish to vacate the property in May 2023 and sought a further extension in the summer of 2026. As a result of Covid, the Respondent had reduced the rent

by £300 per month from 1 April 2020. The Respondent went on to deal with some personal matters stating that there were 6 members of the Applicant's family living in the Property, including 3 who were of non-pensionable age.

8. Mr Owen's thrust was that the Applicant had not proved beyond reasonable doubt that an offence had been committed as there was no evidence before the tribunal that the Property required a selective licence. It was, he said the responsibility of the Applicant to prove this and whether the matter may have been within the public domain was not material as the onus of proof rested with the applicant, which he submitted he had failed to meet.

9. There was then some discussion as to the quantum of the claim. We were told that the Applicant had been in receipt of £15,236.00 Housing Benefit for the period. The total rental paid, as evidenced by the 12 bank statements was £24,000. This left the sum of £8,764 as being claimed by the Applicant. The figure was not disputed by Mr Owen. There were no utilities to consider.

10. As to conduct the Applicant had nothing to say. He told us that he had discovered the alleged offence by visiting the Council's web site. He also confirmed that he had been living at the Property for some 27 years

11. Mr Owen, in his submission reminded us that this was not the most serious offence under the 2016 Act and some allowance should be made for this. The Respondent is not a professional property owner and has acted in good faith throughout the applicant's tenure. We were told that the respondent, who did not attend the hearing, was struggling with work pressures and had now appointed a manager. He proposed that 50% of that claimed would be a fair settlement. There was no further evidence of her financial situation. The Applicant accepted this was a fair offer.

DECISION

12. The defence put forward by Mr Owen was not recited by any documentation on behalf of the Respondent. It seemed to us appropriate to give the parties a chance to comment on the question he raised. A letter was sent to both parties as follows:

At the hearing of this matter today the question as to the period for which a selective licensing requirement by Brent Council applied was raised.
The evidence is that a selective licence was applied for and obtained by the Respondent. What is unclear from the evidence before us at the hearing was the period for which the selective licensing requirement applied. Mr Owen for the respondent submitted that in the light of the unclear evidence from the Applicant as to this period, the application should be refused, applying the criminal standard of proof. The question as to the period for which the licence ran was a novel point, raised for the first time at the hearing. The Applicant, who is an elderly litigant in person, said in his application, with a statement of truth, that the licence period was from 1 April 2024 but does not give an end date.
Relying on the overriding objectives at rule 3 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 and to deal with the case justly and fairly we direct that the parties must within 14 days provide written submissions,

both to the tribunal and to the other party (by email), providing proof as to the period for which the selective licensing provisions issue by Brent Council in 2024 applied and that the subject property was within the designated area.
At the expiry of that 14-day period the Tribunal will make a decision and reserves the right to review such evidence as may be available before doing so.

13. A copy letter was produced by the Applicant, from Brent Council dated 21 October 2026 which confirmed that the Property was not licensed in the period 1 April 2024 to 31 March 2025. In addition, we were supplied with a copy of the Licence Designation for selective licensing in the London Borough of Brent confirming the restriction ran from 1 April 2024 for a period of 5 years and that the Property fell within the designated area. The Respondent did not respond.

14. Our finding is that the Applicant has proved beyond reasonable doubt that the Respondent was a person having control of or managing a house which is required to be licensed but was not so licensed and has thus committed an offence under section 95(1) of the Housing Act 2004.

15. We then turn to the question of quantum. Mr Owen had volunteered an offer of 50% of the net sum claimed, that is to say the gross rent less the Housing Benefit. This would give a figure of £4,383. This sum had been accepted by the Applicant.

16. There was no allegation as to conduct although we do think that the Applicant having been a tenant of the respondent for some 27 years and the avoidance of a rent increase for some time weighs in her favour.

17. Insofar as the financial circumstances are concerned, we had little information from the Respondent.

18. We then need to consider what amount we should actually order. This was not the most serious of the offences, which are set out in the 2016 Act. Nonetheless, the period for which the Property remained unlicensed was extensive. We have found that there is no element of conduct that we need to take into account, save the period for which there has been an apparently seamless landlord/tenant relationship. The Respondent has not been convicted of any offence and is not what we would consider to be a professional landlord with a large property portfolio. Mr Owen put forward a settlement at 50%, albeit somewhat off the cuff. This was accepted by the Applicant. Taking these matters into account, we conclude that a rent repayment order should be in the region of the amount suggested by the Respondent's representative and accepted by the Applicant although we round it down to £4,000 and that is the amount that we award and which should be paid within 28 days of the date of this decision.

19. We cannot help but feel that this was a somewhat opportunistic claim, given the length of time the landlord/tenant relationship has been in place and the lack of any other adverse issues. Exercising our discretion as to the Tribunal fees we find they should not be awarded as a separate sum but included with the global award of £4,000.

Judge: Andrew Dutton

A Dutton

Date: 29 October 2026

ANNEX – 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 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 to 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 (ie 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.