FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case reference	**:**	**LON/00BG/HMF/2026/0089.**
Property	**:**	**23 Hornton Avenue, London NW2 2RY.**
Applicant	**:**	**Joanne Elizabeth Kelly.**
Representative	**:**	**In person.**
Respondent	**:**	**Leyla Hussain.**
Representative	**:**	**In person.**
Type of application	**:**	**Application for a rent repayment order by tenant**
Tribunal	**:**	**Judge Roberts** **Judge Pittaway** **Mrs F Macleod MCIEH.**
Date of Hearing	**:**	**23 October 2026.**

DECISION

The Applicant's application for a rent repayment order pursuant to the Housing and Planning Act 2016 is dismissed for the reasons set out below.

Introduction and Background

1. The Applicant rented an ensuite room with the use of shared kitchen and living room facilities at 23 Horton Avenue, London NW2 2RY under a Room Rental tenancy agreement dated 16 June 2024, which was intended to last for 12 months from 3 July 2024.

2. The Landord was Mrs Leyla Hussein, the Respondent to these proceedings.

3. The Applicant occupied her room in the premises from the start of the tenancy in July until she physically left the property on 8 November 2024, with the tenancy ending on 2 December 2024, by agreement.

© CROWN COPYRIGHT 2026

The Application

4. The Applicant filed an application with the Tribunal on 7 November 2025 which sought:
    a. a Rent Repayment Order under the Housing Act 2004, together with supporting claims under:
    b. Consumer Protection from Unfair Trading Regulations 2008,
    c. Equality Act 2010, and
    d. UK General Data Protection Regulation (GDPR).

5. The application alleged sustained breaches of housing laws, including:
    a. Management of an unlicensed HMO
    b. Harassment, intimidation, and discriminatory treatment
    c. Procedural misrepresentation and failure to provide prescribed deposit information
    d. Privacy violations and unlawful surveillance, and
    e. Emotional harm and forced displacement

6. The application requested:
    a. Repayment of rent paid during the period (2 July–16 August 2024) prior to the issue of the HMO licence, with "discretionary extension due to ongoing breaches"
    b. Statutory compensation for the lack of prescribed information for deposit,
    c. Reimbursement of relocation costs incurred due to premature departure from the premises,
    d. Recognition of emotional harm and procedural misconduct, and
    e. Formal acknowledgement of data protection and equality breaches

7. Directions were given in April, May and June 2026.

8. The April 2026 directions identified the issues to be heard by this Tribunal, namely whether there was an offence set out in the statutory list (see further below) which justified a rent repayment order.

9. Following Directions, the Parties prepared bundles. The Applicant's bundle comprising 67 pages and the Respondent's bundle 86 pages.

10. A video hearing was held on 23 October 2026.

Application to admit late evidence

11. On the day of the hearing, the Applicant filed an application to admit late evidence comprising documents such as copy "WhatsApp" messages, photgraphs, video and audio recordings. She submitted that this evidence responded to evidence put forward in the Respondent's bundle and was material to the question of harassment and conflict with another tenant.

12. The Tribunal noted that:
    a. The Directions had provided a timetable for exchanging evidence between the parties. Under those Directions, the Applicant had had a

© CROWN COPYRIGHT 2026

right to reply in September 2026 to the Respondent's evidence, which she had not used.

b. The additional evidence, as described, did not appear to add any new material evidence or assist the Tribunal on a crucial point.
c. The Respondent could be prejudiced by not having had a chance to consider this additional evidence prior to the hearing.
d. Also, the Applicant would have an opportunity to give oral evidence in support of her case during the hearing which could encompass matters in the additional evidence.

13. For these reasons, the Tribunal dismissed the Applicant's application to admit late evidence.

Evidence from Abroad

14. After living in London, the Applicant relocated to New Zealand. Pursuant to prior arrangement with the Tribunal, correspondence with the Ministry of Foreign Affairs in New Zealand and consistent with the FCDO Guidelines on Giving Evidence From Abroad concerning New Zealand, the Applicant participated in the hearing and gave evidence by video from New Zealand.

15. The Respondent also dialled in to the hearing and on questioning from the Tribunal as to her location, she confirmed that she was then currently in Dubai, UAE.

16. The Tribunal paused the hearing to consult the FCDO Guidelines (September 2026), which state as follows:

> ***United Arab Emirates***
> *To give evidence from United Arab Emirates by video link to a tribunal in the UK, you must:*
>
> *contact the relevant tribunal*
>
> *email the FCDO: toe.enquiries@fcdo.gov.uk*
>
> *The FCDO can ask authorities in United Arab Emirates if a video link can be used. If the authorities do not respond or reject the request, you cannot give evidence by video link.*

17. The Tribunal considered the impact on proceeding with a hearing if the Respondent was not permitted to give evidence in a case concerning alleged offences and a criminal standard of proof. The Tribunal considered a variety of factors, such as

a. whether proceeding would seriously prejudice the Applicant or the Respondent from being able to put their respective cases;
b. the nature of the allegations made by the Applicant;
c. the extent to which the Applicant's case directly involved the personal conduct of the Respondent versus elements such as general noise in the house, conflict with another resident, the Applicant's relationship with

© CROWN COPYRIGHT 2026

the Respondent's husband, and a sense of threat from unknown men outside her room at night;

d. the extent of the written material before the Tribunal;
e. the information given to the Respondent in Directions about giving evidence from abroad, and
f. the Tribunal's obligations under Rule 3 of its Rules (such as fairness to both parties, acting proportionally to the matters in issue, avoiding delay, etc.).

18. Having considered all these factors, and following the FCDO guidelines, the Tribunal ruled that the Respondent was not permitted to give evidence and could not be questioned by the Applicant. The Respondent's bundle would be taken into consideration and she could make legal submissions. The hearing proceeded on that basis.

Relevant Law

19. Extracts from relevant applicable laws (in force prior to 1 May 2026) are as follows:

Criminal Law Act 1977

6.— Violence for securing entry.

(1) Subject to the following provisions of this section, any person who, without lawful authority, uses or threatens violence for the purpose of securing entry into any premises for himself or for any other person is guilty of an offence, provided that—

(a) there is someone present on those premises at the time who is opposed to the entry which the violence is intended to secure; and

(b) the person using or threatening the violence knows that that is the case.

Protection from Eviction Act 1977

1.— Unlawful eviction and harassment of occupier.

(1) In this section "residential occupier", in relation to any premises, means a person occupying the premises as a residence, whether under a contract or by virtue of any enactment or rule of law giving him the right to remain in occupation or restricting the right of any other person to recover possession of the premises.

(2) If any person unlawfully deprives the residential occupier of any premises of his occupation of the premises or any part thereof, or attempts to do so, he shall be guilty of an offence unless he proves that he believed, and had reasonable cause to believe, that the residential occupier had ceased to reside in the premises.

© CROWN COPYRIGHT 2026

(3) If any person with intent to cause the residential occupier of any premises—

(a) to give up the occupation of the premises or any part thereof; or

(b) to refrain from exercising any right or pursuing any remedy in respect of the premises or part thereof;

does acts likely to interfere with the peace or comfort of the residential occupier or members of his household, or persistently withdraws or withholds services reasonably required for the occupation of the premises as a residence, he shall be guilty of an offence.

(3A) Subject to subsection (3B) below, the landlord of a residential occupier or an agent of the landlord shall be guilty of an offence if—

(a) he does acts likely to interfere with the peace or comfort of the residential occupier or members of his household, or

(b) he persistently withdraws or withholds services reasonably required for the occupation of the premises in question as a residence,

and (in either case) he knows, or has reasonable cause to believe, that that conduct is likely to cause the residential occupier to give up the occupation of the whole or part of the premises or to refrain from exercising any right or pursuing any remedy in respect of the whole or part of the premises.

(3B) A person shall not be guilty of an offence under subsection (3A) above if he proves that he had reasonable grounds for doing the acts or withdrawing or withholding the services in question.

(3C) In subsection (3A) above "landlord" , in relation to a residential occupier of any premises, means the person who, but for—

(a) the residential occupier's right to remain in occupation of the premises, or

(b) a restriction on the person's right to recover possession of the premises,

would be entitled to occupation of the premises and any superior landlord under whom that person derives title.

(4) A person guilty of an offence under this section shall be liable—

(a) on summary conviction, to a fine not exceeding the prescribed sum or to imprisonment for a term not exceeding 6 months or to both;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both.

© CROWN COPYRIGHT 2026

Housing Act 2004

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.

(2) A person commits an offence if–

(a) he is a person having control of or managing an HMO which is licensed under this Part,

(b) he knowingly permits another person to occupy the house, and

(c) the other person's occupation results in the house being occupied by more households or persons than is authorised by the licence.

.....

(4) In proceedings against a person for an offence under subsection (1) it is a defence that, at the material time–

(a) a notification had been duly given in respect of the house under section 62(1), or

(b) an application for a licence had been duly made in respect of the house under section 63,

and that notification or application was still effective (see subsection (8)).

....

(8) For the purposes of subsection (4) a notification or application is "effective" at a particular time if at that time it has not been withdrawn, and either–

(a) the authority have not decided whether to serve a temporary exemption notice, or (as the case may be) grant a licence, in pursuance of the notification or application,.....

Housing and Planning Act 2016

40 Introduction and key definitions

(1) This Chapter confers power on the First-tier Tribunal to make a rent repayment order where a landlord has committed an offence to which this Chapter applies.

(2) A rent repayment order is an order requiring the landlord under a tenancy of housing in England to—

(a) repay an amount of rent paid by a tenant, or

(b) pay a local housing authority an amount in respect of a relevant award of universal credit paid (to any person) in respect of rent under the tenancy.

© CROWN COPYRIGHT 2026

(3) A reference to "an offence to which this Chapter applies" is to an offence, of a description specified in the table, that is committed by a landlord in relation to housing in England let by that landlord.

	Act	***Section***	***General description of offence***
1	*Criminal Law Act 1977*	*section 6(1)*	*violence for securing entry*
2	*Protection from Eviction Act 1977*	*section 1(2), (3) or (3A)*	*eviction or harassment of occupiers*
	…….		
5	*Housing Act 2004*	*section 72(1)*	*control or management of unlicensed HMO*

….

41 Application for rent repayment order

(1) A tenant or a local housing authority may apply to the First-tier Tribunal for a rent repayment order against a person who has committed an offence to which this Chapter applies.

(2) 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.
…….

43 Making of rent repayment order
(1) The First-tier Tribunal may make a rent repayment order if satisfied, beyond reasonable doubt, that a landlord has committed an offence to which this Chapter applies (whether or not the landlord has been convicted).

(2) A rent repayment order under this section may be made only on an application under section 41.

…..

Alleged offence under s72 of the Housing Act 2004: control or management of unlicensed HMO

25. At the start of the hearing the Tribunal clarified with the Parties that it was common ground between them that the Landlord had applied to the local council, London Borough of Brent, on 14 December 2023 for an HMO licence for the property.

© CROWN COPYRIGHT 2026

26. Barnet Council then approved the HMO licence application on 14 February 2024 but formally issued the licence only later on 16 August 2024. Staff shortages in the Council had delayed the licence's issue.

27. The Parties agreed that the HMO licence which was ultimately granted to the property was the same licence that the Respondent had applied for on 14 December 2023.

28. The Applicant's case was that the property was unlicensed from the start of her tenancy on 2 July 2024 until the issue of the licence on 14 August 2024. This situation was the basis for her application for a rent repayment order (on this issue). The licence grant on 14 August 2024 was evidenced by a document (p.48 of the Applicant's bundle) which showed an extract from the Barnet Council's public registry of HMO licences.

29. The Respondent relied on the fact that the licence in question had been granted by Barnet Council earlier in the year, prior to the Applicant's tenancy. Her HMO licence application was declared 'valid' by the Council as of 12 February 2024 (copy correspondence p.11 Respondent's bundle). The Respondent's case was that she had the required licence in place prior to start of the Applicant's tenancy.

Tribunal's Assessment

30. The Tribunal considered it did not need to make any finding whether the Council's approval of the Respondent's licence application as valid on 12 February 2024 as opposed to its formal issue on 16 August 2024 constitutes the effective date for the licence's validity.

31. Instead, the Tribunal directed the Parties to section 72(4) of the Housing Act 2004 which provides a statutory defence for a landlord where an HMO application has been made and is still effective at the material time.

Tribunal's Decision

32. The Tribunal finds that the Respondent landlord made an HMO application on 14 December 2023. That license application remained effective at all material times until the licence's formal issue on 16 August 2024.

33. The Tribunal finds that the Respondent has the benefit of the statutory defence available under Section 72(4) Housing Act 2004.

34. With no licensing offence under s.72(1) Housing Act 2004, there can be no rent repayment order under Section 41 of the Housing and Planning Act 2016 on this ground.

35. The Applicant's application for a rent repayment order based on s.72(1) Housing Act 2004 is dismissed.

© CROWN COPYRIGHT 2026

Unlawful eviction (Protection from Eviction Act) and violent entry (Criminal Law Act)

Timeliness of application: Tribunal's jurisdiction

36. The Applicant left the premises on 8 November 2024 prior to the end of the tenancy. She alleges that she was forced to leave due to the Respondent's conduct which constituted breaches of the Protection from Eviction Act 1977 and/or Criminal Law Act 1977.

37. In particular, as set out further below, the Applicant submitted that there was an aggregation of various problems and issues which she considered was harassment, leading to a specific incident during the night of 7 November 2024. This incident caused her to feel so threatened and unsafe that she decided to leave the property the following day. After looking for alternative accommodation, she booked a plane ticket and left that evening (8 November) for New Zealand. Following communication between the parties, the tenancy ended by agreement on 2 December 2024.

38. According to the Applicant's evidence, the latest date the alleged offence(s) could have taken place or continued was during the night of 7 November 2024. On the Applicant's case, the alleged offence(s) ended on 8 November 2004 when she left the premises.

39. The Applicant's Rent Repayment Order application was received by the Tribunal on 7 November 2025.

40. Therefore, the application was made on the last day of the 12-month period from the ending of the purported offence and is therefore timely.

41. The Tribunal decided it had jurisdiction to hear the Applicant's application on the grounds of potential breach(es) of the Protection from Eviction Act 1977 and the Criminal Law Act 1977 in accordance with the Housing and Planning Act 2016 section 41(2)(b).

The Applicant's case

42. The Applicant's evidence covered a range of different factors which made her feel uncomfortable and unsafe living in the property, culminating in her departure.

43. These issues, in no order of priority, included:
    a. Feeling uncomfortable with not knowing who was in the house – either as residents or as visitors to the property - and finding it objectionable that visitors to the house were not notified or introduced to her in advance;
    b. Finding the property noisy, in general. She could not sleep well, for example due to the front door closing at about 06:30 on several days. This woke her up. The Applicant's room was next to the main entrance to the house (a plan of the property is in the Respondent's bundle at p.47 where the Applicant's room is marked as "Room 1");

© CROWN COPYRIGHT 2026

c. Objecting to noise created by the resident in the room directly above hers;
d. Feeling uncomfortable that her telephone number had been shared by the Respondent in a WhatsApp group made up of people connected with the house. There were nine people in this group and the Applicant was uncomfortable that she did not know who all these people were;
e. Being uncomfortable with the Landlord's family (the landlord, her husband and two children) being present in the house, living on the first floor and sharing the common facilities, for part of the tenancy. She had not expected them to be there;
f. Feeling uncomfortable with the Respondent's husband and having some interactions with him which she considered abrupt or hostile. She gave examples in her evidence: when she inadvertantly allowed the kitchen door to bang loudly due to a strong self-closing mechanism, the Respondent's husband came downstairs quickly and objected to the noise. She found this interaction confrontational. At another time, the Applicant objected to some noise which was taking place late on an evening at a weekend. In her evidence, the Respondent's husband considered noise late in the evening was acceptable as it was at the weekend. She considered he was dismissive of her complaint which she did not like;
g. Being confused about who was managing the property after the Respondent informed her that the previous agent was no longer employed as such and the Respondent herself was taking that role;
h. Objecting to what the Applicant considered was poor hygiene in the shared kitchen area.
i. Being disturbed when the Respondent's husband knocked on her door to speak to her without having made a prior appointment;
j. Being concerned about the Police visiting the property in connection with an unrelated matter;
k. Objecting to the fact that a handyman, acting for the Respondent, knocked on her door to seek her permission for access to her room in order to fix the leak which she had reported. She was concerned that she did not know the identity of the man and also was not sure that he was a properly qualified plumber. In answer to the Tribunal, the Applicant confirmed that when she refused to grant this person access to her room, he accepted her decision and then went away.
l. Being frightened by two men who were whispering close to her door on the night of 7 November 2024. On the Applicant's evidence, these unknown men had been socialising that evening in the shared living room area. They had left the living room and where whispering close to her door. They were speaking in Arabic. The Applicant was not sure but she suspected one man was the Respondent's husband. The Applicant was upset that these men were very close to her door, found their whispering sinister, and she felt threatened. On the Applicant's evidence, they did not touch her door, or seek to access her room or try to contact her.

44. This last incident led her to decide that she could not stay in the house any longer, and she left the property on 8 November 2024.

© CROWN COPYRIGHT 2026

Respondent's case

45. The Respondent's view of the situation was markedly different. She acknowledged that the Applicant had had complaints about the property - for example about noise in the house, the front door closing loudly early in the morning, and was in a dispute with the first floor tenant who lived in the room above the Applicant's.

46. In the Respondent's evidence (from her bundle), she tried to mediate between the tenants and to find solutions for the Applicant. As one example of trying to find solutions concerning Applicant's concerns about noise from the upstairs resident, in July 2024 soon after the tenancy started, the Respondent bought some slippers for that resident to try to minimise noise (see page 40 in the Respondent's bundle). She also offered the Applicant another room in the building which might be less noisy.

47. In the Respondent's submission, when the Applicant was ill with COVID, she had purchased and collected some medicine for the Applicant from her own money in order to look after her. The Respondent's case is that she wanted the Applicant to stay as a tenant, she did not seek to drive the Applicant from the building in any way, and that she tried to solve issues of concern which were raised by the Applicant.

48. The Respondent also relied on documentary evidence showing that the Applicant was unhappy with noise and this was the principal reason that the Applicant wanted to move out. The Respondent relied on copy emails from 30 October to 7 November 2024 (the Respondent's bundle p.60 - 63) to support her case.

Applicant's Reply

49. In Reply, the Applicant stated that giving her mother's illness as a reason for having to return to New Zealand was merely an excuse. She did so as she felt uncomfortable about stating her true reasons for leaving – such as the accumulation of matters, culminating in the incident in the night of 7 November 2024.

The Tribunal's Assessment

50. It is clear that the Applicant was genuinely distressed by the various issues that she raises in her evidence.

51. The application and supporting evidence covers a range of issues (see the summary list at Paragraph 43 in this judgement). The Tribunal has considered carefully each of the issues in her application, evidence and submissions which are relevant for the Tribunal's jurisdiction. Any lack of commentary on any specific item that was raised by the Applicant in her application does not mean that that item was not fully considered and assessed in reaching the Tribunal's decision set out below.

© CROWN COPYRIGHT 2026

52. In the Tribunal's view many of the Applicant's issues are objectively in a normal range of living tensions which can be experienced in multi-household accommodation. There can be different sensitivities to noise, views about different standards of communal hygiene, and where perhaps communications are limited, with messages sent on an app or other brief interactions.

53. Some of the Applicant's complaints when living in a multiple occupation house seem unrealistic to the Tribunal. For example, the Applicant complained about unknown people in the house. It is perfectly normal (and completely lawful) for other occupants to invite visitors to their homes without consulting with other residents in the building, such as the Applicant, or informing them about the identity of any visitors. Her personal sensitivity to this issue is not a legal ground for complaint against the Respondent.

54. Further, the Applicant complained about being joined to the WhatsApp group without her prior consent. Whilst it might have been a courtesy for the Respondent to inform the Applicant prior to joining her into the group, the Tribunal notes that the Applicant did not object at the time of joining. The Applicant could also have unilaterally left the WhatsApp group immediately once she was joined into it. She chose not to do so. In fact, the Applicant made use of the group as it was intended: a means of communication between people in the house. The Applicant communicated frequently via the group to raise awareness with other residents and seek their support for issues which were concerning to her - for example, about noise and closing the front door quietly in the morning.

55. The Applicant also stated she found the Respondent's family's presence in the building unsettling as she had not expected them to be there. Likewise, she was concerned about the Police visiting the property. The Respondent's evidence demonstrated that this was an unrelated matter and not of any concern. The Tribunal considers these concerns to be unsubstantial.

56. The Applicant and the resident in the room above were in conflict. The evidence suggests that the upstairs resident felt she was being harassed by the Applicant as she used this term in an app to the Respondent, where she complained about the Applicant (Respondent's bundle p.42) and on 25 July 2024 she accused the Applicant of 'vindictive bullying' (Respondent's bundle p.43) in her message to the Respondent. At the hearing, the Applicant took issue with the Respondent's use of ther term harassment in a reply message (Respondent's bundle p.45), and submitted that this evidenced the Respondent's bad intentions against her. However, the copy correspondence shows that it was the first floor resident who first used the term to describe how she felt the Applicant was treating her. The Tribunal does not need to decide about various complaints and issues aired between these two tenants and about each other in their apps. However, concerning the Applicant's case against the Respondent, it does consider that a private dispute with another tenant, which the Respondent sought to mediate and tried to diffuse (see Respondent's bundle p.44 and 45 for example), is also not a valid ground for complaint against the Respondent.

© CROWN COPYRIGHT 2026

57. In addition, the Applicant has the burden of proof, beyond reasonable doubt, to demonstrate the alleged offences to the satisfaction of the Tribunal. However there is no evidence before the Tribunal that the Respondent directed any conduct (either personally or via an intermediary) against the Applicant with an intention to drive the Applicant from the property or to stop or interrupt services with a similar intention. The evidence points the other way. For example, the Tribunal heard in evidence that when the Applicant reported a leak, the Respondent sent a man promptly to try to repair it (rather than delaying or doing nothing). The Applicant's complaint about this was that a prior appointment had not been made and she was not satisfied that the individual sent was a registered plumber.

58. Faced with the Applicant's complaints, the evidence indicates that the Respondent tried to find solutions and to keep the Applicant (and other residents) happy, acting as a reasonable, patient, and responsible landlord.

59. There is no evidence of any violence directed against the Applicant. As mentioned above, when an unknown man knocked on her door to seek access (in connecteion with fixing a leak) and she refused, he accepted this decision and went away. The Applicant's evidence was that she found the Respondent's husband abrupt in his approach to her (for example when the kitchen door closed loudly) and he may have seemed to her to be intimidating in some way. However, apart from the Applicant's concern about his abruptness, there is no objective evidence that his conduct was threatening or that he was violent against the Applicant. The Respondent's husband's knocking on the Applicant's door seeking to discuss a legitimate topic without an appointment, without more, is not evidence for the offence of violence under the Criminal Law Act.

60. On the night of 7 November, the Applicant referred to two men whispering very near to her door. This was a key moment for her. While she was anxious because of this conduct and the discussion taking place in close proximity to her door, she admitted there was no evidence of any violence directed towards or against her. She found the presence of these men, whispering, in Arabic, at night, sinister and disturbing. She suspected, although was uncertain, the Respondent's husband was one of them. There is insufficient evidence that the Respondent was connected with this conduct – even if it were considered reprehensible. Another interpretation of "whispering" is that the individuals were just trying to minimise any noise from their conversation. The main entrance passageway and the staircase to the first floor were directly outside the Applicant's door.

61. The Applicant also fails to provide any evidence that issues she complained about were intentionally directed against her by the Respondent.

62. The evidence before the Tribunal is that the Applicant was not happy in the accommodation and had been looking to move out from shortly after the start of the tenancy. She had been looking for a replacement tenant.

© CROWN COPYRIGHT 2026

63. On 3 November 2024, the Applicant referred to the need to look after her mother as her reason to return to New Zealand. She formally sought permission to sublet her room.

64. On 6 November 2024 the Applicant emailed the Respondent and stated she had been looking for a person to replace her in the room and had potentially found someone, 'John', who liked the room and wanted to move in on 23 November. The Applicant stated she was looking at booking flights to return home.

65. Then on 7 November 2024, following various discussions which had apparently taken place, the Respondent set out in writing the basis of the agreement with the Applicant for her to leave her room during that month (November 2024). If the Applicant could find a person (approved by the landlord) to take over her room, she would recover her desposit. If she did not find someone, her deposit would be forfeited to cover the rest of the contract. The Respondent invited the Applicant to feel free to move out if she agreed with these terms.

66. The Applicant responded on 2 December 2024 confirming that she had moved out and she gave permission to the Respondent to use her deposit for five weeks' rent, cleaning and other costs. There was then further correspondence in which the Respondent sought to clarify the return of keys, what they should do with the Applicant's possessions left in the premises, etc (see Respondent's bundle p. 63-64).

Tribunal's decision

67. The Tribunal finds that the Applicant left the premises for personal reasons, including dissatisfaction with noise levels, an individual conflict with the tenant above, unhappiness with the implications of living in an house in multiple occupation, and to satisfy her desire to care for her mother in New Zealand.

68. The Tribunal finds that the Respondent respected the Applicant's tenancy until the Applicant had confirmed that she had moved out and the tenancy was terminated by agreement.

69. The Tribunal also finds that the Respondent acted as a responsible landlord during the Applicant's tenancy and, for example, sought to resolve concerns expressed by the Applicant and mediate conflict between tenants.

70. In summary, in the Tribunal's judgement the Applicant's evidence does not demonstrate any activity by the Respondent (or on her behalf) which constitutes an offence under the Protection from Eviction Act or the Criminal Law Act.

71. Considering carefully all the evidence provided by the Parties in their bundles, the Applicant's evidence at the hearing, and the Parties' submissions, the Tribunal finds that the alleged offences under the Protection of Eviction Act

© CROWN COPYRIGHT 2026

1977 and Criminal Law Act 1977 are not proved and the Applicant's application on these grounds is dismissed.

Other claims

72. The Applicant advanced claims that are outside the Tribunal's jurisdiction such as reimbursement of relocation costs, alleged data protection and Equality Act breaches, or complaint about the Respondent and the deposit scheme. The Tribunal makes no findings on these other claims.

73. The Applicant sought relief for alleged overcrowding at the property in breach of Section 72(2) of the Housing Act 2004. Section 72(2) cannot form the basis for a rent repayment order under section 40 of the Housing and Planning Act 2016.

Conclusion

74. Considering all the evidence and Parties' submissions and for the reasons given above, the Tribunal dismisses the Applicant's application dated 7 November 2025.

Judge Roberts **23 October 2026**

© CROWN COPYRIGHT 2026

ANNEX – 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.

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. Any appeal in respect of the Housing Act 1988 should be on a point of law.

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

© CROWN COPYRIGHT 2026