FIRST-TIER TRIBUNAL
PROPERTY CHAMBER (RESIDENTIAL PROPERTY)

Case reference	**:**	**LON/00AY/HPO/2026/0003**
Property	**:**	**25, School Road, Hounslow, Middlesex, TW3 1QU**
Applicant	**:**	**Mrs Aarti Bahanda**
Respondent	**:**	**London Borough of Hounslow**
Type of application	**:**	**Appeal against a Prohibition Order sections 20 and Part 3 of Schedule 2 the Housing Act 2004**
Tribunal members	**:**	**Ms H C Bowers MRICS** **Ms S Coughlin MCIEH** **Mr I Rakhy FCILEx**
Date and venue of hearing	**:**	**9 November 2026 by CVP at 10 Alfred Place, London WC1E 7LR**
Date of Decision	**:**	**23 November 2026**

DECISION

Decision

The Applicant's Appeal is dismissed, and the Prohibition Order dated 24 October 2025 is confirmed.

The enforcement charge of £663.68 remains payable

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REASONS

Background

1. This is an appeal against the service of a Prohibition Order served under the provisions of section 20 of the Housing Act 2004 (the 2004 Act) on Aarti Bahanda (the Applicant) as the director of the company that is the legal owner of 25, School Road, Hounslow, London, TW3 1QU (the subject property). The London Borough of Hounslow is the Respondent Local Housing Authority. The Prohibition Order was dated 24 October 2025, and the appeal was dated 20 November 2025. On the same date a demand for payment was made against the Applicant under sections 49 and 50 of the 2004 Act. The sum sought was £663.68.

Law

2. The provisions regarding enforcement action and Prohibition Orders are set out in the Housing Act 2004 (the 2004 Act). The relevant statutory provisions are set out in the Appendix to this decision.

The Hearing

3. A hearing was listed for 9 November 2026 at 10, Alfred Place, London, WC1E 7LR, for 10:00am. However, the Respondent did not attend nor was it represented. Mr F Amjad of MT UK Solicitors was in attendance. He explained that he had had no contact with/instructions from the Applicant, Ms Bahanda. He stated that he had informed her that his firm would no longer be acting for her. Ms Bahanda had details of the hearing, and his firm had sent her all the relevant documents in this case.

4. Indeed, the Tribunal had sight of an email dated 3 November 2026 explaining that as MT UK Solicitors had no instructions, it sought to be removed from the record as the Applicant's representative, but indicated that someone from the firm would attend the hearing on 9 November 2026 to explain this situation. Both the Applicant and the Respondent were copied into that email.

5. The Tribunal was satisfied that both parties were aware of the hearing and neither had made any application for a postponement or a case management direction. There were bundles with submissions from both sides and there was a single legal issue to be decided. In the circumstances the Tribunal considered that it could proceed to determine this matter on the papers provided.

Submissions

Applicants' Case

6. It was explained that AB Investments London Limited (ABILL) is the freehold owner of the subject property and that Ms Aarti Bahanda is the sole director of ABILL. ABILL granted a verbal licence to Ms Bahanda and on 9 July 2022 she granted a fixed tenancy of one year to Management Properties Services Limited (MPSL) permitting it to occupy and sublet the property. On the termination of the fixed term, MPSL continued a tenancy on a monthly periodic tenancy basis. An application was made by MPSL to the Respondent for an HMO licence for the property. This was granted on 11 May 2023, naming the Applicant as the licence holder. In June 2024 a money claim was issued against MPSL and a Notice to Quit was served on 18 November 2024. A possession claim was filed, and a possession order was granted on 11 July 2025 with possession to be given on 25 July 2025. The Applicant applied for a warrant of possession on 8 October 2025 and eventually possession was obtained on 20 July 2026.

7. The Respondent made a charge of £663.68 under section 49 of the 2004 Act. The Applicant seeks to vary the Prohibition Order so that she is not personally liable for this sum on the basis that 1) she had no access to or control over the subject property as it was unlawfully occupied by MPSL; the Applicant was unable to inspect, assess hazards or carry out any remedial work and that MPSL remained in occupation and prevented compliance. 2) that the hazards were caused or worsened by MPSL as the hazards arose when MPSL and its occupiers were in occupation and that the Applicant could not repair/mitigate any defects or manage the property. The costs should be directed at the party having actual control and recovered from the "relevant person" including persons having control or management of the premises.

8. The Applicant's position is that MPSL was responsible for the occupation and day to day management of the subject property. The Applicant denies that she agreed to be named as the licence holder on the HMO application and that the HMO application was made by MPSL and its director Mr J M Bispo was proposed as the licence holder It is her position that the enforcement action and administration charge should be directed to MPSL or the current occupiers and not the Applicant who has no access/control.

9. It is stated that the Applicant has acted promptly in issuing the money claim and in seeking possession. The Applicant accepts the Prohibition Order and does not challenge the substantive terms; confirms that she will carry out all the remedial works listed in Schedule 2 to the Order after vacant possession is achieved and asks whether the Respondent is able to assist on the early vacation of the property.

10. Ms Bahanda provided a second witness statement dated 11 September 2026. This does not seem to have been provided in accordance with any directions, and no application has been made for permission for this document to be admitted. We note that there is no objection from the Respondent to this document. Whilst not in compliance with any directions, the statement and attachments seem to be a useful update and provides no prejudice to the Respondent and therefore we admit this document.

11. In response to the Respondent's position regarding the repairing obligations under the terms of the tenancy agreement, Ms Bahanda states that MPSL changed the locks and denied her access. Ms Bahanda also acknowledges that there was a Tribunal decision on a financial penalty order with adverse findings made against her, but that this application is a separate matter.

12. The Applicant obtained possession of the subject property on 20 July 2026 and has arranged for remedial works to be carried out and attached to the statement are several photographs that appear to show the property in a refurbished condition.

Respondent's Case

13. There is a witness statement from Jeff Smyth, a Regulatory Officer with the Respondent, dated 21 July 2026. It is explained that the Respondent received notification of disrepair at the subject property on 24 June 2024. At that time there was a HMO licence for the property dated 26 May 2023 and the licence holder was the Applicant. The freeholder of the property is ABILL and the registered director is the Applicant.

14. Mr Smyth inspected the property on 23 July 2024 and found several issues. There had been a request for repair works to be undertaken, but the response was that the Applicant had no access to the property and that the repairs are nothing to do with her. An intention of serve a financial penalty was served on 14 October 2024. Representations were made on the Applicant's behalf that she does not have possession/control of the property and has no knowledge as to who is living there. The representations were considered but 'denied', as the Applicant was the licence holder. A Final Notice to Issue a Financial Penalty was served on 21 November 2024. This was appealed and the Tribunal heard that matter on 12 May 2026. The Tribunal found for the Respondent, but the Financial Penalty was reduced.

15. In late 2025 a further inspection was undertaken and the property was said to be in a poorer condition. Further hazards had developed including the collapse of the kitchen ceiling from a continually leaking toilet above. There had been no repairs, but a brick was placed on the toilet seat to dissuade usage. The Prohibition Order was served in October 2025. Included in the exhibits are several photographs that

show the property to be in a poor condition, presumably at the time of the October 2025 inspection. A copy of the Order was served on the Applicant.

Decision and Reasons

16. The 2004 Act provides various options for enforcement action for a Local Housing Authority (LHA) to deal with category 1 and category 2 hazards. If a category 1 hazard exists, then the LHA is obliged to take action and one option is the making of a Prohibition Order.

17. Once a Prohibition Order is made, then in respect of a dwelling or a HMO, the LHA must serve a copy of the Order on those people listed in paragraph 1 (2) of Schedule 2 to the 2004 Act. At paragraph 1(2)(b) one of those persons is one who is "*authorised to permit persons to occupy the whole or part of the specified premises*". In this context we find that Aarti Bahanda comes within the definition of paragraph 1(2)(b). She was given a verbal agreement by ABILL and she is the one that granted the tenancy agreement to MPSL. The paragraph envisages that others could also be served with a copy of the Prohibition Order and in this particular case that could include ABILL and MPSL. The fact that others could be served does not mean that Ms Bahanda should not have been served.

18. We should also comment that whilst Schedule 2 of the Prohibition Order sets out the works needed to be undertaken before the Order is revoked, the Prohibition Order does not place an obligation on Ms Bahanda to do those works. The Applicant makes reference to "persons having control" and "persons managing". These terms are defined in section 263 of the 2004 Act, but there is no specific reference to these terms in the Prohibition Order regime.

19. We find that Ms Bahanda was properly served with a copy of the Prohibition Order. In essence there were no submissions regarding the contents of the Prohibition Order and as such we find that there are no grounds to vary or quash the Order. Therefore, the Prohibition Order is confirmed.

20. Ms Bahanda's main argument is that she should not bear the cost of £663.68 charged by the Respondent under section 49 of the 2004 Act. The appeal rights regarding such sums come at section 49(7). In summary if a Tribunal allows an appeal under the relevant notice/order, then the Tribunal may make an order that it considers appropriate reducing, quashing, or requiring the repayment of any charge. Therefore, the appeal rights are only triggered if the Tribunal has either quashed or varied the underlying notice/order. In this case the Tribunal has dismissed the appeal and confirmed the Prohibition Order and as such the appeal rights under section 49(7) are not operational. The charge of £663.68 for the enforcement action remains payable.

Name: Ms H C Bowers **Date**: 23 November 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 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).

Appendix

Housing Act 2004

1 New system for assessing housing conditions and enforcing housing standards

(1) This Part provides–
(a) for a new system of assessing the condition of residential premises, and
(b) for that system to be used in the enforcement of housing standards in relation to such premises.
(2) The new system–

(a) operates by reference to the existence of category 1 or category 2 hazards on residential premises (see section 2), and
(b) replaces the existing system based on the test of fitness for human habitation contained in section 604 of the Housing Act 1985 (c. 68).
(3) The kinds of enforcement action which are to involve the use of the new system are–
(a) the new kinds of enforcement action contained in Chapter 2 (improvement notices, prohibition orders and hazard awareness notices),
(b) the new emergency measures contained in Chapter 3 (emergency remedial action and emergency prohibition orders), and
(c) the existing kinds of enforcement action dealt with in Chapter 4 (demolition orders and slum clearance declarations).
(4) In this Part *"residential premises"* means–
(a) a dwelling;
(b) an HMO;
(c) unoccupied HMO accommodation;
(d) any common parts of a building containing one or more flats.
(5) In this Part–
"building containing one or more flats" does not include an HMO;
"common parts", in relation to a building containing one or more flats, includes–
(a) the structure and exterior of the building, and
(b) common facilities provided (whether or not in the building) for persons who include the occupiers of one or more of the flats;
"dwelling" means a building or part of a building occupied or intended to be occupied as a separate dwelling;
"external common parts", in relation to a building containing one or more flats, means common parts of the building which are outside it;
"flat" means a separate set of premises (whether or not on the same floor)–
(a) which forms part of a building,
(b) which is constructed or adapted for use for the purposes of a dwelling, and
(c) either the whole or a material part of which lies above or below some other part of the building;
"HMO" means a house in multiple occupation as defined by sections 254 to 259, as they have effect for the purposes of this Part (that is, without the exclusions contained in Schedule 14);
"unoccupied HMO accommodation" means a building or part of a building constructed or adapted for use as a house in multiple occupation but for the time being either unoccupied or only occupied by persons who form a single household.
(6) In this Part any reference to a dwelling, an HMO or a building containing one or more flats includes (where the context permits) any yard, garden, outhouses and appurtenances belonging to, or usually enjoyed with, the dwelling, HMO or building (or any part of it).
(7) The following indicates how this Part applies to flats–
(a) references to a dwelling or an HMO include a dwelling or HMO which is a flat (as defined by subsection (5)); and
(b) subsection (6) applies in relation to such a dwelling or HMO as it applies in relation to other dwellings or HMOs (but it is not to be taken as referring to any common parts of the building containing the flat).

(8) This Part applies to unoccupied HMO accommodation as it applies to an HMO, and references to an HMO in subsections (6) and (7) and in the following provisions of this Part are to be read accordingly.
(9) But unoccupied HMO accommodation is "qualifying residential premises" for the purposes of this Part only to the extent provided for by section 2B(1)(c).

2 Meaning of "category 1 hazard" and "category 2 hazard"

(1) In this Act–
"category 1 hazard" means a hazard of a prescribed description which falls within a prescribed band as a result of achieving, under a prescribed method for calculating the seriousness of hazards of that description, a numerical score of or above a prescribed amount;
"category 2 hazard" means a hazard of a prescribed description which falls within a prescribed band as a result of achieving, under a prescribed method for calculating the seriousness of hazards of that description, a numerical score below the minimum amount prescribed for a category 1 hazard of that description; and
"hazard" means any risk of harm to the health or safety of an actual or potential occupier of a dwelling or HMO which arises from a deficiency in the dwelling or HMO or in any building or land in the vicinity (whether the deficiency arises as a result of the construction of any building, an absence of maintenance or repair, or otherwise).
(2) In subsection (1)–
"prescribed" means prescribed by regulations made by the appropriate national authority (see section 261(1)); and
"prescribed band" means a band so prescribed for a category 1 hazard or a category 2 hazard, as the case may be.
(3) Regulations under this section may, in particular, prescribe a method for calculating the seriousness of hazards which takes into account both the likelihood of the harm occurring and the severity of the harm if it were to occur.
(4) In this section–
"building" includes part of a building;
"harm" includes temporary harm.
(5) In this Act *"health"* includes mental health.

3 Local housing authorities to review housing conditions in their districts

(1) A local housing authority must keep the housing conditions in their area under review with a view to identifying any action that may need to be taken by them under any of the provisions mentioned in subsection (2).
(2) The provisions are–
(a) the following provisions of this Act–
(i) this Part,
(ii) Part 2 (licensing of HMOs),
(iii) Part 3 (selective licensing of other houses), and
(iv) Chapters 1 and 2 of Part 4 (management orders);
(b) Part 9 of the Housing Act 1985 (c. 68) (demolition orders and slum clearance);

(c) Part 7 of the Local Government and Housing Act 1989 (c. 42) (renewal areas); and
(d) article 3 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860).
(3) For the purpose of carrying out their duty under subsection (1) a local housing authority and their officers must–
(a) comply with any directions that may be given by the appropriate national authority, and
(b) keep such records, and supply the appropriate national authority with such information, as that authority may specify.

5 Category 1 hazards: general duty to take enforcement action

(1) If a local housing authority consider that a category 1 hazard exists on any residential premises, they must take the appropriate enforcement action in relation to the hazard.
(2) In subsection (1) *"the appropriate enforcement action"* means whichever of the following courses of action is indicated by subsection (3) or (4)–
(a) serving an improvement notice under section 11;
(b) making a prohibition order under section 20;
(c) serving a hazard awareness notice under section 28;
(d) taking emergency remedial action under section 40;
(e) making an emergency prohibition order under section 43;
(f) making a demolition order under subsection (1) or (2) of section 265 of the Housing Act 1985 (c. 68);
(g) declaring the area in which the premises concerned are situated to be a clearance area by virtue of section 289(2) of that Act.
(3) If only one course of action within subsection (2) is available to the authority in relation to the hazard, they must take that course of action.
(4) If two or more courses of action within subsection (2) are available to the authority in relation to the hazard, they must take the course of action which they consider to be the most appropriate of those available to them.
(5) The taking by the authority of a course of action within subsection (2) does not prevent subsection (1) from requiring them to take in relation to the same hazard–
(a) either the same course of action again or another such course of action, if they consider that the action taken by them so far has not proved satisfactory, or
(b) another such course of action, where the first course of action is that mentioned in subsection (2)(g) and their eventual decision under section 289(2F) of the Housing Act 1985 means that the premises concerned are not to be included in a clearance area.
(6) To determine whether a course of action mentioned in any of paragraphs (a) to (g) of subsection (2) is *"available"* to the authority in relation to the hazard, see the provision mentioned in that paragraph.
(7) Section 6 applies for the purposes of this section.

20 Prohibition orders relating to category 1 hazards: duty of authority to make order

(1) If–

(a) the local housing authority are satisfied that a category 1 hazard exists on any residential premises, and
(b) no management order is in force in relation to the premises under Chapter 1 or 2 of Part 4,
making a prohibition order under this section in respect of the hazard is a course of action available to the authority in relation to the hazard for the purposes of section 5 (category 1 hazards: general duty to take enforcement action).
(2) A prohibition order under this section is an order imposing such prohibition or prohibitions on the use of any premises as is or are specified in the order in accordance with subsections (3) and (4) and section 22.
(3) The order may prohibit use of the following premises–
(a) if the residential premises on which the hazard exists are a dwelling or HMO which is not a flat, it may prohibit use of the dwelling or HMO;
(b) if those premises are one or more flats, it may prohibit use of the building containing the flat or flats (or any part of the building) or any external common parts;
(c) if those premises are the common parts of a building containing one or more flats, it may prohibit use of the building (or any part of the building) or any external common parts.
Paragraphs (b) and (c) are subject to subsection (4).
(4) The notice may not, by virtue of subsection (3)(b) or (c), prohibit use of any part of the building or its external common parts that is not included in any residential premises on which the hazard exists, unless the authority are satisfied–
(a) that the deficiency from which the hazard arises is situated there, and
(b) that it is necessary for such use to be prohibited in order to protect the health or safety of any actual or potential occupiers of one or more of the flats.
(5) A prohibition order under this section may relate to more than one category 1 hazard on the same premises or in the same building containing one or more flats.
(6) The operation of a prohibition order under this section may be suspended in accordance with section 23.

27 Service of copies of prohibition orders etc. and related appeals

Schedule 2 (which deals with the service of copies of prohibition orders, and notices relating to their revocation or variation, and with related appeals) has effect.

49 Power to charge for certain enforcement action
(1) A local housing authority may make such reasonable charge as they consider appropriate as a means of recovering certain administrative and other expenses incurred by them in–
(a) serving an improvement notice under section 11 or 12;
(b) making a prohibition order under section 20 or 21;
(c) serving a hazard awareness notice under section 28 or 29;
(d) taking emergency remedial action under section 40;
(e) making an emergency prohibition order under section 43; or
(f) making a demolition order under section 265 of the Housing Act 1985 (c. 68).
(2) The expenses are, in the case of the service of an improvement notice or a hazard awareness notice, the expenses incurred in–
(a) determining whether to serve the notice,
(b) identifying any action to be specified in the notice, and
(c) serving the notice.
(3) The expenses are, in the case of emergency remedial action under section 40, the expenses incurred in–
(a) determining whether to take such action, and
(b) serving the notice required by subsection (7) of that section.

(4) The expenses are, in the case of a prohibition order under section 20 or 21 of this Act, an emergency prohibition order under section 43 or a demolition order under section 265 of the Housing Act 1985, the expenses incurred in–
(a) determining whether to make the order, and
(b) serving copies of the order on persons as owners of premises.
(5) A local housing authority may make such reasonable charge as they consider appropriate as a means of recovering expenses incurred by them in–
(a) carrying out any review under section 17 or 26, or
(b) serving copies of the authority's decision on such a review.
(6) The amount of the charge may not exceed such amount as is specified by order of the appropriate national authority.

(7) Where a tribunal allows an appeal against the underlying notice or order mentioned in subsection (1), it may make such order as it considers appropriate reducing, quashing, or requiring the repayment of, any charge under this section made in respect of the notice or order.

263 Meaning of "person having control" and "person managing" etc.
(1) In this Act *"person having control"* , in relation to premises, means (unless the context otherwise requires) the person who receives the rack-rent of the premises (whether on his own account or as agent or trustee of another person), or who would so receive it if the premises were let at a rack-rent.
(2) In subsection (1) *"rack-rent"* means a rent which is not less than two-thirds of the full net annual value of the premises.
(3) In this Act *"person managing"* means, in relation to premises, the person who, being an owner or lessee of the premises–
(a) receives (whether directly or through an agent or trustee) rents or other payments from–
(i) in the case of a house in multiple occupation, persons who are in occupation as tenants or licensees of parts of the premises; and
(ii) in the case of a house to which Part 3 applies (see section 79(2)), persons who are in occupation as tenants or licensees of parts of the premises, or of the whole of the premises; or
(b) would so receive those rents or other payments but for having entered into an arrangement (whether in pursuance of a court order or otherwise) with another person who is not an owner or lessee of the premises by virtue of which that other person receives the rents or other payments;
and includes, where those rents or other payments are received through another person as agent or trustee, that other person.
(4) In its application to Part 1, subsection (3) has effect with the omission of paragraph (a)(ii).
(5) References in this Act to any person involved in the management of a house in multiple occupation or a house to which Part 3 applies (see section 79(2)) include references to the person managing it.

Part Three to the Second Schedule

1 Service on owners and occupiers of dwelling or HMO which is not a flat

(1) This paragraph applies to a prohibition order where the specified premises are a dwelling or HMO which is not a flat.

(2) The authority must serve copies of the order on every person who, to their knowledge, is–
(a) an owner or occupier of the whole or part of the specified premises;
(b) authorised to permit persons to occupy the whole or part of those premises; or
(c) a mortgagee of the whole or part of those premises.
(3) The copies required to be served under sub-paragraph (2) must be served within the period of seven days beginning with the day on which the order is made.
(4) A copy of the order is to be regarded as having been served on every occupier in accordance with sub-paragraphs (2)(a) and (3) if a copy of the order is fixed to some conspicuous part of the specified premises within the period of seven days mentioned in sub-paragraph (3).

7 (1) A relevant person may appeal to [the appropriate tribunal][1] against a prohibition order.

(2) Paragraph 8 sets out a specific ground on which an appeal may be made under this paragraph, but it does not affect the generality of sub-paragraph (1).

8 (1) An appeal may be made by a person under paragraph 7 on the ground that one of the courses of action mentioned in sub-paragraph (2) is the best course of action in relation to the hazard in respect of which the order was made.

(2) The courses of action are–
(a) serving an improvement notice under section 11 or 12 of this Act;
(b) serving a hazard awareness notice under section 28 or 29 of this Act;
(c) making a demolition order under section 265 of the Housing Act 1985 (c. 68).

11 (1) This paragraph applies to an appeal to [the appropriate tribunal][1] under paragraph 7.

(2) The appeal–
(a) is to be by way of a re-hearing, but
(b) may be determined having regard to matters of which the authority were unaware.
(3) The tribunal may by order confirm, quash or vary the prohibition order.
(4) Paragraph 12 makes special provision in connection with the ground of appeal set out in paragraph 8.

12 (1) This paragraph applies where the grounds of appeal consist of or include that set out in paragraph 8.

(2) When deciding whether one of the courses of action mentioned in paragraph 8(2) is the best course of action in relation to a particular hazard, the tribunal must have regard to any guidance given to the local housing authority under section 9.
(3) Sub-paragraph (4) applies where–
(a) an appeal under paragraph 7 is allowed against a prohibition order made in respect of a particular hazard; and
(b) the reason, or one of the reasons, for allowing the appeal is that one of the courses of action mentioned in paragraph 8(2) is the best course of action in relation to that hazard.
(4) The tribunal must, if requested to do so by the appellant or the local housing authority, include in its decision a finding to that effect and identifying the course of action concerned.

16 (1) In this Part of this Schedule *"relevant person"*, in relation to a prohibition order, means a person who is–

(a) an owner or occupier of the whole or part of the specified premises,
(b) authorised to permit persons to occupy the whole or part of those premises, or
(c) a mortgagee of the whole or part of those premises.

(2) If any specified premises are common parts of a building containing one or more flats, then in relation to those specified premises, *"relevant person"* means every person who is an owner or mortgagee of the premises in which the common parts are comprised.