FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference	**:**	**LON/00BG/HMF/2026/0170**
HMCTS Code	**:**	**In person**
Property		**39A Burdett Road London,** **E3 4TN**
Applicants	**:**	**(i) Ms. Kathleen Byrne,** **(ii) Ms. Sofia Llobregat** **(iii) Ms. Adelayo Adekunle** **(iv) Ms. Daisy Wilson McNeal**
Represented by		**Mr Muhammed Williams - London Borough of Tower Hamlets**
Respondents	**:**	**Mr Jagmohan Singh Bhakar and Prabjote Kaur Bhakar**
Type of Application	**:**	**Applications for Rent Repayment Orders by Tenants** **Sections 40, 41, 43 & 44 of the Housing and Planning Act 2016**
Tribunal Members	**:**	**Judge Daley** **Mrs L Crane**
Date of Hearing	**:**	**16 October 2026, at 10 Alfred Place, London**
Date of Decision	**:**	**18 November 2026**

DECISION

Decision

I) The Tribunal finds that on hearing from the Applicants and the Applicant's representative Mr Williams, and on the evidence before it, that it is satisfied that the Premises were unlicensed in accordance with the Additional licensing scheme which was in place from April 2023.

II) The Tribunal finds that on the evidence before it, an offence was committed to the required standard, of proof beyond reasonable doubt.

III) The Tribunal is satisfied that grounds exist to make a rent repayment order against the Respondents.

IV) The Tribunal makes a Rent repayment order in the total sum of £9425.13 on account of the rent paid by the Applicants for the period January 2025- 31 July 2025 during which period the property was without a licence. (The detail of the award is set out in paragraphs 45 below).

V) The Tribunal makes an order for the reimbursement of the application fee in the sum of £228.00 and the hearing fee in the sum of £227.00.

Introduction

1. This is an application by the Applicants listed above for a Rent repayment Order under section 41 of the Housing & Planning Act 2016.
2. The Application is made on the grounds that the Landlord had control and management of an unlicensed premises, that was subject to an Additional licensing requirement in breach of Section 40 of the Housing Act 2004. The application alleged that the landlord committed the offence by letting a three-bedroom property without the necessary Additional licence. The Applicants seek a rent repayment order for the periods 23 January 2025- August 2025, when the premises was unlicensed, in the total sum of £18,804.92.
3. The Tribunal issued Directions on 7 May 2026, setting out how the parties should prepare for the hearing. The Directions set the application down for an in-person hearing to take place on 16 October 2026. The Directions were emailed to the parties on 8 May 2026.

Property Details

4. The Premises The premises is a three-bedroom house located in the Mile End Ward of Tower Hamlets.

5. The Tribunal did not inspect the property and although the Tribunal made no assumptions about its current condition or regarding the accommodation. The Applicants confirmed that it was generally in good condition.

The Hearing

6. The hearing of this matter was held at the First-Tier Property Tribunal Alfred Place, London. The following parties were in attendance, Ms Kathleen Byrne, Ms Daisy Wilson Mc Neal and Ms Sofia Llobregat. Ms Adekunle, did not attend the hearing. However, Mr Williams was in attendance and represented all of the applicants.
7. The Respondent was not in attendance and was not otherwise represented. Prior to the start of the hearing. The Tribunal hearings officer, Ms Thomas contacted the Respondents with a view to finding out whether they were intending to appear before the tribunal.
8. She confirmed with the respondents that the Directions had been sent to the correct email address. She was informed that the information concerning the hearing date, may have been overlooked.
9. There was no formal or informal application made for a postponement of the hearing.

Preliminary Matters

10. The Tribunal had to decide whether to proceed in the absence of the respondents.
11. The Tribunal heard from Mr Williams, he indicated that he had served the hearing bundle on the applicants in accordance with paragraph 3 of the directions. He was content for the Tribunal to postpone the hearing to enable the respondent to attend. However, he noted that the decision was for the tribunal to make.
12. Notwithstanding Mr Williams, position the Tribunal in making its decision, considered rule 34 and rule 3 of The Tribunal (First tier) Property Tribunal Rules 2013 ("The Rules").
13. Rule 34 of The Tribunal (First tier) Property Tribunal Rules 2013. States that-: If a party fails to attend a hearing the Tribunal may proceed with the hearing if the Tribunal—(a)is satisfied that the party has been notified of the hearing or that reasonable steps have been taken to notify the party of the hearing; and(b)considers that it is in the interests of justice to proceed with the hearing.
14. In making its decision the Tribunal is required to have regard to Rule 3, of the Rules which states-: (1) The overriding objective of these Rules is to enable the Tribunal to deal with cases fairly and justly.
(2) Dealing with a case fairly and justly includes—(a)dealing with the case in ways which are proportionate to the importance of the case, the complexity of the issues, the anticipated costs and the resources of the parties and of the Tribunal;(b) avoiding unnecessary formality and seeking flexibility in the proceedings;(c) ensuring, so far as

practicable, that the parties are able to participate fully in the proceedings; (d)using any special expertise of the Tribunal effectively; and(e)avoiding delay, so far as compatible with proper consideration of the issues.

(3) The Tribunal must seek to give effect to the overriding objective when it—(a)exercises any power under these Rules; or (b)interprets any rule or practice direction.

15. The Tribunal was satisfied that the Applicant knew or ought to have known that the matter was listed to be heard on 16 October 2026, the respondent would have also received the hearing bundle. The respondent had not filed a response or otherwise participated in the hearing. Given this, the Tribunal was not satisfied that if this matter was adjourned it would secure the attendance or any additional representation from the Respondents. It appeared to the Tribunal that they had chosen not to attend or make representations.
16. In terms of proportionality, and complexity, this case set out a fairly straightforward allegation, which the Respondents could have addressed, the Tribunal noted that the tenants were represented by a local authority officer, and that preparation for the hearing and attendance at the hearing had resulted in expenditure to the public purse which included the Tribunal. In considering this the Tribunal decided that it would be disproportionate to postpone the hearing and decided that it having considered Rules 3, and 34 of the Rules, it should proceed to hear the application in the absence of the Respondent.
17. Any prejudice to the Respondents was solely as a result of, their decision not to actively engage with the legal process and participate in the hearing.

Relevant Law

Section 41(1) of the Housing and Planning Act 2016 (the 2016 Act) provides:

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.

Section 40(5) of the 2016 Act lists 7 categories of offence and offence no 6 refers to Control or management of an unlicensed house.

The First-tier Tribunal may make a rent repayment order under Section 43 of the 2016 Act or 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).

Section 44 of the 2016 Act sets out the amount of order:

(1) Where the First-tier Tribunal decides to make a rent repayment order under

section 43 in favour of a tenant, the amount is to be determined in accordance with
this section.

(2) The amount must relate to rent paid during the period mentioned in the table.

Under Section 44(4) the Tribunal in determining the amount the tribunal must, in particular take account of (a)the conduct of the landlord and tenant (b) the financial circumstances of the landlord and (c) whether the landlord has at any time been convicted of an offence to which this chapter applies.

The Applicants' Submissions

18. The Tribunal heard from Mr Williams who had provided the Tribunal with a hearing bundle which comprised one hundred and thirty-three pages (133). Within the bundle was a *Notice of Designation of an Area for Additional Licensing*. The designation was dated 25 October 2023 and was due to come into effect from 1 April 2024 until 31 March 2029. The Designation included a map; Mr Williams told the Tribunal that the property was within the area covered by the designation.
19. The Tribunal was informed that prior to this designation the area had previously been designated as subject to Additional Licensing requirements, from April 2019. At that time the Respondents had applied for and had been granted an additional licence.
20. Within the hearing bundle in the Applicants' statement of offence; it was set out that Ms Kathleen Rose Byrne, Ms Daisy Wilson McNeal and Ms Adetayo Adekunle signed a joint Assured Shorthold Tenancy (AST) agreement with Mr Bhakar starting from 17/08/2024 and fixed for a period of 12 months. The monthly rent for the premises was £2,750. Ms Adekunle left on 16/03/2025. After Ms Adekunle left, Ms Byrne, Ms McNeal and Ms Llobregat signed another AST agreement starting on 17/03/2025 for a period of 5 months.
21. In her witness statement Ms Byrne set out that she had found the property through Look Property Services, and she confirmed the periods and occupancy by the Applicants.
22. Within her statement she set out that-: " *...I found out the property did not have the valid HMO license through the council's website and alongside my housemate, contacting Muhammed Williams from Tower Hamlets council to validate our understanding.*"
23. In the Statement of Offence, the Applicant's set out a chronology, in which it was stated that-: "*14. The Housing Licensing Team received an email from Ms McNeal on 20/09/2025 stating that she had been informed that the landlords were operating the premises without an Additional licence during a period of their stay at the premises. She said that she had searched the Council's various housing licensing schemes on the housing register but could not locate a licence for the premises.15. Her email was referred to me, and I advised her that the premises was correctly licensed from 31/05/2019 to 20/01/2025. I added that the landlord did not renew the licence until 28/08/2025 which meant the landlord operated the premises without licence between 21/01/2025 and 28/08/2025. 16. On 28/08/2025 Landlord Compliance Services (UK) Limited applied for an Additional licence on behalf of Mr Jagmohan Bhakar.*"

24. Mr Williams in his submissions stated that although he accepted that no reminders had been sent to the Respondent landlords, they were aware of the need to license the property, as they had previously held a valid licence.
25. He submitted that the landlord was required to keep themselves up to date with the legal and other requirements. He told the Tribunal that the landlords had two other properties within Tower Hamlets and had other unrelated business interests, given this they were professional people who were able to keep themselves updated with the requirements.
26. In respect of the condition of the property, the applicants told the Tribunal that it was in good condition. Ms Bryne stated that there had been some issues with the furnishing which they had reported and the landlords had attended to these issues. There had also been a blocked gutter, which meant that water ingress had affected Ms Wilson Mc Neal's room, however the landlords had attended to this.
27. The Rent was paid to the managing agents Look Property Services directly although repairs were carried out by the Respondents.
28. The Respondents had complied with the requirement to have a Gas Safety certificate, and Electrical Appliances Inspections. The Applicants had taken the decision not to renew the tenancy as the tenants' circumstances had changed rather than because of any issues with the tenancy or the premises.
29. There was however one complaint which they drew to the Tribunal's attention. They told the Tribunal that the landlords had attended the property on one occasion without asking the tenants for access and had gone into the premises without the Applicants' permission to carry out a repair.
30. The Tribunal asked the Applicants for details of how utility bills had been paid for, and the Applicants confirmed that this had been paid for by the Applicants.
31. In Tribunal had been provided with bank statements and evidence that payment for the rent had been made.
32. The Tribunal noted that the Respondents had applied for a licence on 28 August 2025, this appeared to be independent of the action taken by the Applicants as the Application had been made before Ms Byrne had contacted Mr William of the Council and their representative.

33. The Tribunal had no written representation from the Respondents.
34. In closing the case, Mr Williams reminded the Tribunal of the factors it needed to consider concerning whether it could be satisfied that an offence had occurred.
35. He submitted that the Tribunal should make a rent repayment order in the applicants favour, although, he made no specific submissions on the amount of order that the Tribunal should make. However, he noted that the Tribunal had the discretion to make an award of the full sum of rent which had been paid during the period.
36. The Tribunal took account of Mr Williams' written submissions in which he had stated-:*Since demand for private sector accommodation in Tower Hamlets is so high, landlords confidently market dangerous and overcrowded accommodation in the knowledge that rental income is high with minimal risk of discovery by the local authority. Following on, where landlords are in breach of housing licensing legislation it is only fair that tenants are recompensed to minimise the multitude of problems faced whilst residing in unlicensed and sometimes in decrepit properties… The Council therefore expects that a robust and proportionate use of RROs would help the Council to check arbitrary behaviour of private sector landlords against private sector tenants. In this sense the enforcement of various licensing schemes, including assisting tenants to claim RROs, inexorably leads to*

more compliance by landlords in the private sector thereby improving the standards of private sector accommodation and minimise significant risks which the private tenants face. I therefore implore the Tribunal to make an award, which is just and fair in commensurate with the offence. I am led to believe that an appropriate award will deter the offender from repeating the offence, and most importantly remove any financial benefit the Respondent may have obtained because of breaching an important licensing condition. I thank the Tribunal for giving us the opportunity to apply for a Rent Repayment Order and present our case."

Tribunal Decision

37. The Tribunal having heard from the Applicants' representative Mr Williams and having considered the documents within the bundle was satisfied on the evidence before it that the offence under Section 40(3) of the Housing and planning Act was proved beyond a reasonable doubt. It was satisfied that the property was subject to the requirements to have an additional licence and that it had not been licensed on the evidence before it.
38. The Tribunal had sight of the Official copy of the Register of title, and the Respondents together with Tehal Singh Bhakar, Kuldip Kaur Bhakar, and Shinder Kaur Bhakar, were the freehold owners of the property.
39. The Tenancy agreement, which had been included in the bundle referred to the Respondents as being the landlords for the property. The Tribunal was satisfied that the Respondents were the landlords in accordance with Section 40 (3) of the Housing and Planning Act 2016.
40. The Tribunal was satisfied that there was no information before it which put it on notice that there was any other party who was in receipt of the Rack Rent in accordance with Section 263 of the Housing Act 2004. Having satisfied itself that the Respondents were persons against whom an order could be made, the tribunal then applied the following test-:
    (iii) Whether the Tribunal should exercise its discretion to make a rent repayment order. And if so,
    (iv) Determine the amount of any order.
41. The Tribunal accepted the evidence that the sum of £18,804.92 was the sum of applicable rent which had been paid for rent during the period in issue.
42. The Tribunal also reminded itself of the law which had been referred to above and the case law referred to by the parties. The Tribunal noted that the starting point was the maximum rent that had been paid, however the Tribunal noted that it had an obligation to exercise its discretion in the making of an order.
43. The Tribunal noted that the Respondents were aware of the requirement to license the property having previously applied for a licence. It noted that the Respondents had more than one property and had managing agents who had acted on their behalf to collect the rent. It found that on the evidence before it the Respondents were professional landlords who had the required knowledge and experience of what was required, including the need to have a valid licence.
44. The Tribunal noted that the Applicants did not complain that the property had been poorly managed, and accepted that the conditions were good and that the landlord

was generally responsive to complaints, and that the only cause for concern had been the landlords' decision to enter the property without permission to undertake a repair.

45. The Tribunal reminded itself of the purpose of the licensing regime and the submissions which articulated the issues faced in Tower Hamlets, The Tribunal noted that although in its view, it would not characterise the respondents as a rogue landlords, they were responsible for ensuring that they complied with the requirements to license the property prior to embarking on renting the property and to ensure that once the licence expired it was promptly renewed.
46. The Tribunal noted that the Applicants had not made a complaint or enquiry to the local authority because of the condition of the property, and that they had left the premises at the expiry of the rental term out of choice.
47. When considering all the factors of the case, the Tribunal reminded itself of the principles which it knew of from case law based on its knowledge and experience, although it noted that neither the applicants nor their representative had referred the Tribunal to any specific cases.
48. In taking account of all of the principles, the Tribunal considered that although any breach of the requirements was serious, it was not at the upper end of seriousness. The Tribunal considered that the breach was for an 8-month period, the safety requirements had been complied with, and as such it assessed the offence as being at the medium level of seriousness. Given this the Tribunal considered that it could mark the seriousness of the offence without making an award of 100% of the rent which had been paid.
49. Although the Tribunal was satisfied that a rent repayment order in the sum of 50% of the rent paid was the correct starting point, it noted that no reason had been advanced as to why the Respondents who knew of the requirement, had not applied for a licence. Given this, it was satisfied that the order should reflect the failings of the Respondents to do what they knew was required. It decided that a rent repayment of 60% of the rent paid would reflect this.
50. It was satisfied that there was no evidence of any financial hardship of the landlord, or any utility bills that the landlord had paid which needed to be taken account of, as the tenants had been responsible for this.
51. The Tribunal heard and accepted the evidence of what had been paid by each applicant and decided to make orders in the following sums-:

Applicant	Rent paid PCM	Period	Total	Award
Ms Bryne	£916.67	23/01/2025 to 18/07/2025	£6,327.53.	£3796.52
Ms Wilson McNeal	£916.66	23/01/2025 to 17/07/2025	£6,238.96.	£3743.38
Ms Llobregat	£916.66	14/03/2025 to 18/07/2025	£4,583.35	£2750.01
Ms Adekunle	£916.66	23/01/2025 to 17/02/2025	£1,832.34	£1099.40

The Tribunal makes an order in respect of reimbursement of the hearing and application fees in the sum of £455.00.

Signed: Judge Daley

Dated: 18 November 2026

Right to Appeal

52. 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.

53. 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.

54. 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.

55. 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.