



**FIRST-TIER TRIBUNAL
PROPERTY CHAMBER (RESIDENTIAL
PROPERTY)**

Case Reference	: LON/OOAG/HMB/2021/0009
Property	: Basement Flat 133 Fellows Road, London : NW33JJ
Applicant	: Sean Paul Gilbride
Representative	: Clara Sherratt
Respondent	: Abraham Aharon Dodi
Representative	: In person
Type of Application	: Rent Repayment Order
Tribunal Members	: Judge Shepherd : Antony Parkinson MRICS
Date of Determination	: 5 th August 2022

Determination

1. This is an application for a Rent Repayment Order. The application is made pursuant to s.41 of the Housing Planning Act 2016. The offence alleged is that of having control of , or managing , an unlicensed HMO under Part 2 , s 71 (1)

Housing Act 2004. The premises concerned are located at Basement Flat, 133 Fellows Court, NW33JJ (The premises). This is a three bedroom flat. It is the Applicant's case that the premises were occupied by at least four people during the relevant period of 7th October 2019 and 6th October 2020. The premises were within an additional licensing area and the local authority have confirmed that they should have been licensed but were not so licensed during the relevant period.

2. The Applicant provided evidence that he had paid rent during the relevant period of £5112. This is therefore the rent repayment order sought.
3. Miss Clara Sherratt who appeared on behalf of the Applicant took the Tribunal to evidence in the bundle showing the rent payments, confirmation from the London borough of Camden that the property was an HMO and should have been licenced and made reference to the poor condition of the premises.
4. In witness evidence the Applicant said he had a rear room, there was a lock on the door from the inside and the kitchen and bathroom was shared. There was no fire alarm or smoke alarm. The kitchen was damp and there was mould in the bathroom. There was also a leak through a hole which had been there for years. The radiators had not been working for six months. The environmental health officer came to the premises. He said that workmen came in twice to fix the broken door. He rang the agency to report disrepair but was waiting for months before anyone turned up and the issue of mould was never addressed. It was put to him by the Respondent that he'd offered him another place to move to. The Applicant accepted that he'd seen another place but it was not suitable.
5. The Respondent said he had ten properties managed by him. In fact there were apparently about 300 properties under his control. An internet search reveals that the Respondent is involved with 98 companies most of them

appear to be property companies. The Respondent said that he was relying on the advice of an agent called Sunil Kumar. He was the channel of communication with the tenants.

Determination

6. The Respondent showed no real contrition in relation to his failure to licence the premises. He is clearly an experienced landlord with a large portfolio of properties. He provided no real excuse for his failure to licence this property. Neither were there any mitigating circumstances on behalf of the Respondent. The Applicant however presented a very sincere and honest character who had lived in fairly appalling conditions for a period of time when the property was patently unsafe and unlicensed. In these circumstances the Tribunal has no hesitation in awarding the maximum award sought namely £5112. The Tribunal also orders the Respondent to pay the Applicant's application and hearing fee (£200). The total sum of £5312 should be paid within 14 days.

Judge Shepherd

5th August 2022

ANNEX - RIGHTS OF APPEAL Appealing against the tribunal's decisions

1. A written application for permission must be made to the First-tier Tribunal at the Regional tribunal office which has been dealing with the case.
2. The application for permission to appeal must arrive at the Regional tribunal office within 28 days after the date this decision is sent to the parties.
3. 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.
4. The application for permission to appeal must state the grounds of appeal, and state the result the party making the application is seeking. All applications for permission to appeal will be considered on the papers

5. Any application to stay the effect of the decision must be made at the same time as the application for permission to appeal.