



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

Case Reference : **LON/00BG/HMG/2019/0017**

Property : **Flat 2, 123-125 Whitechapel Road
London E1 1DT**

Applicant : **Liam Hynard & Alex Robey**

Representative : **Mr. M Williams, London Borough
of Tower Hamlets**

Respondent : **A & A Investments**

Representative : **N/A**

Types of Application : **Rent repayment order**

Tribunal Members : **Judge Tagliavini
Mr. M Taylor FRICS**

**Date and venue of
Hearing** : **29 November 2019
10 Alfred Place, London WC1E 7LR**

Date of Decision : **2 December 2019**

DECISION

Decisions of the tribunal

I The tribunal makes a rent repayment order in the sum of £16,033 to be paid by the Respondent to the Applicants.

The application

1. This is an application made under the provisions of sections 40, 41, 43 and 44 of the Housing and Planning Act 2016 for a rent repayment order in respect of premises situate at 123-125 Whitechapel Road, London E1 1DT. The applicants seek a rent repayment order in the sum of £16,033.55 for the period 01/09/2018 to 01/06/2019 representing a 10 months period of their assured shorthold tenancy which commenced on 1 September 2018 for a period of 12 months at rent of £1,603.33 per month, and during which period the respondent did not have a Selective Licence for the subject premises.

The premises

2. The premises subject premises comprises a flat situated in a three storey building which has been converted into 6 flats with commercial premises on the ground floor.

Background

3. The building in which the premises are situated is located in an area which has been designated by the London Borough of Tower Hamlets as a selective licensing area. Consequently, as from 1 October 2016 the subject premises required a Selective Licence to operate as it falls under the London Borough of Tower Hamlets (LBTH) Selective Licensing Scheme. However, no valid application for such a licence was received by LBTH from the respondent until about 8 July 2019.

The Applicant's evidence

4. In support of the Applicants' application the tribunal was provided with a small bundle of documents numbered pages 1 to 57. These included a statement from Mr. M Williams a Housing Advisor with LBTH dated 08/06/2019 and an expanded (undated) statement from him. In these statements, Mr. Williams set out the attempts that had been made since June 2017 to contact Mr. Arwin Taheam as a partner in A & A Investments and landlord notifying him of the need to obtain a Selective Licence as he was said to have control of and managed the unlicensed subject premises. However, it was not until July 2019 that a valid application for a Selective Licence was made for the premises by Mr. Taheam requesting a licence in the name of A & A Investments.
5. The tribunal was also provided with a copy of the Applicants' Assured Shorthold Tenancy made between them and A & A Investments for a

term of 12 months commencing on 1 September 2018 at a rent of £1603.33 per month. An Official Copy of the Land Register showed that the registered proprietors of the subject building are Arwin Taheam and Ajay Taheam as from 03/08/2011. Copies of bank statements showed regular payments of rent of £1603.33 being made to A & A Investments from 29/08/2018 to 1 May 2019 and a schedule of these payments for a 10 month period was provided which totalled £16,033.30.

6. The tribunal was also provided with a copy of the application for a Selective License made by the respondent in the name of Mr. Arwin Taheam who held himself out as a partner of A & A Investments.
7. At the hearing of the application the tribunal heard the oral evidence of Mr. Robey and Mr. Hynard who told the tribunal that they had found the subject premises through an internet search and the advertisement of FuturePad London, letting agents. After arranging a viewing with the letting agents the applicants signed a tenancy agreement commencing on 1 September 2018 which gave the name and address of the landlord as A & A Investments, Enterprise House, Romford. The Tenant's Moving Pack gave an email address and telephone number for Mr. Arwin Taheam as the landlord.
8. Both applicants confirmed to the tribunal that they had not been in receipt of any housing benefit or Universal Credit housing costs element during the period of their tenancy. They also told the tribunal that they had suffered with minor items of disrepair and a cockroach infestation, which although treated by pest control was not eradicated.

The respondent's evidence

9. The respondent was not represented at the hearing and failed to provide the tribunal with any statement opposing the application or any financial or other evidence to establish why a rent repayment order should not be made either at all or in a reduced sum.

The tribunal's decisions and reasons

10. The tribunal finds from the documents provided and the statements of Mr. Williams that the subject premises fell into an area of selective licensing with effect from 1 October 2016. The tribunal is also satisfied that the respondent had control or management of the said premises and did not apply for a selective licence until 8 July 2019. Therefore, the tribunal is satisfied beyond reasonable doubt and is sure that the respondent was committing an offence pursuant to section 95(1) of the Housing Act 2004 during the period 1 September 2018 to at least the end of June 2019 for which period the rent repayment order is made.
11. In the absence of any statement, objection or evidence from the respondent, the tribunal is unable to take into account the respondent's financial circumstances. The tribunal finds however, that the

respondent has not been convicted of any offence in respect of the subject property or been made the subject of any financial penalty. The tribunal finds that there is no evidence of any reported concerns about the conduct of the applicant tenants and notes that their deposit was returned with only a modest deduction of £200 being made.

12. Therefore, in the absence of any reasons as to why the amount sought should be reduced, the tribunal determines that it is appropriate to make a rent repayment order in the sum of £16,033.30 to be paid by the respondent to the applicants.

Signed: Judge Tagliavini

Dated: 2 December 2019