



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

**Case reference** : **CAM/00JA/HNA/2020/0030**

**Property** : **2 Bodesway, Orton Malbourne,  
Peterborough  
Cambridgeshire PE2 5RT**

**Applicant** : **Badou Ali Jallow**

**Representative** : **Jeremy Roberts & Co. Solicitors**

**Respondent** : **Peterborough City Council**

**Type of application** : **Appeal against a financial penalty**  
Section 249A and Schedule 13A to the  
Housing Act 2004

**Tribunal** : **Judge D Wyatt**

**Date of decision** : **5 January 2021**

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**NOTICE OF DECISION TO STRIKE OUT A CASE**

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**Decision**

These proceedings are hereby struck out under rule 9(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (the “**2013 Rules**”).

**Reasons for strike-out**

1. On 4 November 2020, the tribunal received the application by the Applicant under paragraph 10 of Schedule 13A to the Housing Act 2004 (the “**Act**”) to appeal against a financial penalty imposed by the Respondent under section 249A of the Act.
2. The tribunal requested a copy of the relevant final notice, which was provided by the Applicant’s representative on 24 November 2020. The final notice is dated 27 November 2019 and imposed a financial penalty

of £7,181.53 for an alleged offence under section 95 of the Act of control or management of a house which was required to be licensed under Part 3 of the Act but was not so licensed.

3. There is no time limit in the Act (as amended) in respect of appeals against financial penalties. Rule 27 of the 2013 Rules applies where no time limit is prescribed. It states that the appeal application must be provided to the tribunal within 28 days after the date on which notice of the decision to which the appeal relates was sent to the applicant. Rule 6 of the 2013 Rules allows the tribunal to extend the time for compliance, even if the application for an extension is not made until after the time limit has expired. The Upper Tribunal confirmed in Pearson v City of Bradford MDC [2019] UKUT 291 (LC) that the tribunal has an unfettered discretion to extend the time limit, so long as it does not exceed the bounds of a reasonable exercise of discretion.
4. On initial review of the papers, the tribunal noted that the deadline appeared to have expired in December 2019. The tribunal wrote to the parties, warning that the application appeared to be substantially out of time and allowing until 10 December 2020 for the Applicant to make any application for extension of time (giving full details of the matters and evidence relied upon) and the Respondent to make any submissions about whether any extension of time should be granted.

### **Submissions**

5. The Applicant has failed to make any application for an extension of time. Nor have any submissions or any other response been provided. In his application form, he referred to severe hardship from his daughter's serious illness, and stress.
6. The Respondent made written submissions opposing the extension of time. These include a chronology asserting that the Applicant was informed on several occasions of his right to appeal. They state that the Respondent offered not to oppose a late appeal if this was made in April 2020 and then by May 2020. They assert that the Respondent began enforcement in the County Court in June 2020 and the relevant order was made in November 2020.

### **Conclusion**

7. I bear in mind that the financial penalty is substantial and there is no time limit in the Act itself, leaving this regulated by the default time limit in the 2013 Rules. I also bear in mind that the matters mentioned in the application form could justify some delay. However, the (represented) Applicant has made no application for an extension of time and has not provided any particulars or evidence of these matters to justify delay for many months. I am not satisfied that there are good reasons for the delay from June to November 2020 (let alone for the delay from November 2019).

8. In the circumstances, I do not exercise my discretion to extend the time limit. Accordingly, the tribunal does not have jurisdiction in relation to the appeal application and, under rule 9(2) of the 2013 Rules, I must strike it out.
9. A copy of this notice is sent to all parties.

### **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).