



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

Case Reference : CHI/00HE/HMF/2022/0015

Property : Ocean House, 174 Treffry Road, Truro,
Cornwall TR1 1UF

Applicant : Andrew Brine

Type of Application : Rent Repayment Order: s.41 Housing and
Planning Act 2016

Representative : In person

Respondent : Jonathan Scott-Slater

Representative : In person

Tribunal Members : Judge M Loveday
Mrs J Coupe FRICS
Mr E Shaylor MCIEH

Date of hearing/venue : 8 November 2022 (Remote hearing)

Date of substantive decision : 21 November 2022

Date of further decision : 15 December 2022

DECISION (REIMBURSEMENT OF FEES)

Introduction

1. On 21 November 2022, the Tribunal made a Rent Repayment Order in favour of the Applicant tenant in the sum of £551. The Tribunal found this was the appropriate order under s.43(1) of the 2016 Act for breach of a requirement for the Respondent landlord to have an HMO licence.
2. Following the decision, the Applicant pointed out that he had previously applied for a reimbursement of his Tribunal application fee of £100.00 and the hearing fee of £200. That application was not dealt with in the substantive decision.
3. The Tribunal gave directions that the Respondent be given an opportunity to respond to this application. The Respondent chose to reply by an email on 3 December 2022 which did not directly address any issues that are material to the Tribunal's decision about reimbursement of fees.
4. Rule 13(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 provides that "the Tribunal may make an order requiring a party to reimburse to any other party the whole or part of the amount of any fee paid by the other party which has not been remitted by the Lord Chancellor". The Tribunal's power to reimburse fees is unrestricted, other than by the overriding objective: *Willow Court Management Company (1985) Ltd v Alexander* [2016] UKUT 290 (LC) at [13].
5. The Tribunal makes a reimbursement of fees order for the following reasons:
 - a. The Applicant has succeeded in obtaining a Rent Repayment Order.
 - b. The Respondent has never purported to advance any substantive defence. The only issue at the hearing was the amount of the order to be made.
 - c. The Respondent took the opportunity at the hearing to make personal attacks upon the Applicant, none of which were upheld by the Tribunal. These attacks were repeated in the Respondent's email of 3 December 2022.
 - d. Despite being given an opportunity to do so, the Respondent declined to state any reasons why no reimbursement of fees order should be made.
 - e. The fees and hearing fee are a relatively high figure compared to the amount of the rent in dispute in this case. They would effectively wipe out most of the benefit of the Rent Repayment Order.
6. The Tribunal therefore orders the Respondent to reimburse the Applicant's fees of £300.

Appeals

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. Subject to what is said above, the application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28-day time limit (or any further time limit set by this Tribunal), the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.