

62b Elphinstone Road, Hastings, TN34 2EB: CHI/21UD/HMF/2020/0020

Southern Region, Judge R Cooper, Mr K Ridgeway & Ms J Dalal on 26 October 2020

Tribunal decision sub category: Housing Act 2004 and Housing and Planning Act 2016 - Rent repayment orders

Decided: 26 October 2020

6 Byron Street, Redfield, Bristol, BS5 9NN: CHI/00HB/HMF/2020/0006

Southern Region, Judge Dobson, Mr I Perry FRICS and Mr M Jenkinson on 19 August 2020

Tribunal decision sub category: Housing Act 2004 and Housing and Planning Act 2016 - Rent repayment orders

Decided: 22 October 2020

19 Baptist Street, Bristol, BS7 9TD: CHI/00HB/2020/0018

Southern Region, Judge Lederman, Mr I Perry FRICS and Ms J Playfair on 17 August 2020

Tribunal decision sub category: Housing Act 2004 and Housing and Planning Act 2016 - Rent repayment orders

Decided: 30 September 2020

157 Murray Road, Rugby, CV21 3JR: BIR/44UD/HMK/2020/0020

Midlands Region, Judge C.

Tribunal decision sub category: Housing Act 2004 and Housing and Planning Act 2016 - Rent repayment orders

Decided: 23 September 2020

22 Park View Court, Bath Street, Nottingham NG1 1DD: BIR/00FY/HMK/2020/0038

Midlands Region, Judge C Goodall and Mr V Chadha MRICS MBA MCI Arb FCIH on 23 September 2020

Tribunal decision sub category: Housing Act 2004 and Housing and Planning Act 2016 - Rent repayment orders

Decided: 23 September 2020

Decided: 23 September 2020

Room 1, 19 St Georges Road, Coventry, CV1 2DJ: BIR/00CQ/HMK/2020/0037

Midlands Region, Graham Freckelton FRICS (Chairman) and Mr R Chumley Roberts MCI Arb on 8 October 2020

Tribunal decision sub category: Housing Act 2004 and Housing and Planning Act 2016 - Rent repayment orders

Decided: 8 October 2020

8 Westbury Road, Nottingham NG5 1EP: BIR/00FY/HMJ/2020/0002

Midlands Region, Graham Freckelton FRICS (Chairman) and Mr R Chumley-Roberts MCI Arb on 7 October 2020

Tribunal decision sub category: Housing Act 2004 and Housing and Planning Act 2016 - Rent repayment orders

Decided: 7 October 2020

2 Glen Park Avenue, Plymouth PL4 6BA and 71 North Road East, Plymouth PL4 6AW: CHI/00HG/HNA/2020/0009 and CHI/00HG/HNA/2020/0010

Southern Region, Judge D R Whitney, Mrs J Coupe FRICS and Mr D Johnson on 21 October 2020

Tribunal decision sub category: Housing Act 2004 and Housing and Planning Act 2016 - Civil financial penalties

Decided: 21 October 2020

84 Newbridge Hill, Bath, BA1 3QA: CHI/00HA/HMF/2020/0001

Southern Region, Judge Professor David Clarke, Brandon Simms FRICS and Teresa on 16 September 2020

Tribunal decision sub category: Housing Act 2004 and Housing and Planning Act 2016 - Financial penalties

Decided: 16 September 2020

2nd Floor Flat, 9 Dover Place, Bristol, BS8 1AL: CHI/00HB/HSD/2020/0002

Southern Region, Judge Tildesley QBE on 1 September 2020

Conclusion

41. Having considered in the round the conduct of the parties, the Respondents' financial circumstances and all other matters as set out above, the Tribunal concludes that there is no reason to reduce the maximum rent repayment that could be ordered. Accordingly the rent to be repaid by the Respondent to the Applicants is £4,946.00 for the period 22nd June 2019 to 23rd January 2020 (both dates included). Having allowed the application, there is no reason why the application and hearing fees sought should not be paid by the Respondent also.

Judge R Cooper

Date 26th October 2020

160. As noted above, the amount of any rent repayment order is a penal sum and not compensation. The Tribunal is very much mindful of that and of that purpose of the HPA 2016. The Upper Tribunal stated in *Vadamalayan* the Judge's understanding that:

"Parliament intended a harsh and fiercely deterrent regime".

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Maximum rental income relevant to the RRO:	£4,425.53
Reductions of bills:	£323.44
RRO Liability:	£4,102.09

The Tribunal therefore determines that the rent repayment order, after allowing for all deductions that are permitted in relation to utilities is £4,102.09

40. We therefore have no real discretion. We make a rent repayment order for the period 2 June 2019 to 27 April 2020 inclusive. Apportionment on a daily basis is complicated by the fact that 2020 was a leap year. Our calculation however is that the sum of £4,340.00 represents the rent paid during that period. We order that that sum be repaid by the Respondents to the Applicant by way of a rent repayment order.

55. The Quantification of the rent repayment order is therefore:

Maximum amount of any order as set out in Paragraph 41	991.75
Less:	
Gas and Electric (as per paragraph 44)	49.70
Water Charges (as per paragraph 44)	20.48
Total deduction	70.17
Amount of Rent Repayment Order	£921.57

56. The Tribunal therefore confirms the total amount of the Rent Repayment Order of £921.57 (Nine Hundred and Twenty-One Pounds, Fifty-Seven Pence) Payment should be made in full within 28 days of the date of this decision.

76. The Tribunal therefore determines that it will make a Rent Repayment Order for the period 22nd April 2018 – 23rd April 2019 as follows:

Maximum amount of Repayment Order as per paragraph 64	4,036.40
Less 5% to reflect personal circumstances	201.82
Amount of Repayment Order	£3,834.58

77. The Tribunal therefore determines the Rent Repayment Order in the sum of £3,834.58 (Three Thousand Eight Hundred and Thirty-Four Pounds Fifty-Eight Pence). Payment should be made by the Respondent to the Applicant in full within 28 days of the date of this Decision.

Civil Penalty Notice (CPN)

13. The Tribunal determines that the Respondent do pay to the Applicants the sum of £1,650 by way of a Rent Repayment Order in respect of rent for the period 13-30 September (a period of 18 days) when the Property that was let to the Applicants and was a House in Multiple Occupation (an 'HMO') that was required to be licensed. The Respondent was the person having control or management of that property which was unlicensed for that period and thereby committed an offence under section 72 of the Housing Act 2004. The Tribunal makes the order under section 43 of the Housing and Planning Act 2016 ("the 2016 Act") being satisfied beyond reasonable doubt that the Respondent has committed that offence.