



HM Courts  
& Tribunals  
Service

**Property Chamber  
Southern Residential Property  
First-tier Tribunal**

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Mr Tim Ames  
c/o Tenant Direct Ltd  
14 New Road  
Southampton  
SO14 0AY

Your ref:  
Our ref: CHI/00MS/HMK/2019/0017

Date: 19 November 2019

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Dear Mr Ames,

The following letter has been sent to Ms Capiral:

**RE: Housing Act 2004 - HMO Licensing Section 73(5)**

**PREMISES: 82 Mayfield Road, Southampton, Hampshire, SO17 3SX**

Judge Tildesley OBE advises that he is not prepared to accept a new application for rent repayment order in respect of the previous application which has been struck out.

Judge Tildesley states that you are entitled to apply for a reinstatement of the previous application provided you make the request in writing giving full reasons why you did not comply with the Tribunal's previous directions. Judge Tildesley will then decide whether to grant your request or refuse it.

I attach a copy of the Order striking out the previous application.

Yours sincerely

**Mrs Paula Cooper  
Case Officer**



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

**Case Reference** : CHI/00MS/HMK/2019/0017

**Property** : 82, Mayfield crescent, Southampton  
SO17 3SX

**Applicant** : Carlyne Capiral  
Leyla Hattabi  
Jessica Perry  
Paloma Lemaire

**Representative** : Carlyne Capiral

**Respondent** : Tim Ames

**Representative** :

**Type of Application** : Application for a rent repayment order by  
Tenant  
Sections 40, 41, 42, 43 & 45 of the Housing  
and Planning Act 2016

**Tribunal Member** : Judge Tildesley OBE

**Date and venue of CMH** :

**Date of Order** : 18 November 2019

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**DECISION TO STRIKE OUT**

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## Background

1. On 15 July 2019 the Tribunal received an application under section 41 for a RRO order.
2. On 3 September Tribunal issued directions requiring the Respondent to supply a response to the Application and gave the Applicant's a right of reply by 8 October 2019. The Applicant did not provide a right of reply.
3. On 24 October 2019 the Tribunal issued Directions providing for a hearing date of 8 November 2019, and requiring the Applicant to provide written authority that she was entitled to Act for the other Applicants and to supply a letter from the Local Authority confirming that the property did not have a valid HMO licence.
4. On 30 October 2019 the Tribunal received an email from the Applicants' representative simply asking for the hearing date to be varied to a date between 2 and 13 December 2019.
5. Although no reason for the request to change the date was given the Case Officer asked the Applicants' representative to complete a formal application form setting out the reason for the request. No such application has been received. On 5 November 2019 the Tribunal directed that
  - The hearing date will therefore not be changed as requested.
  - However, the Applicants have failed to pay the hearing fee of £200 by 1 November 2019 as Directed. That date was subsequently extended to 4 November 2019 but as at today no hearing fee has been received.
  - The Applicants were warned that if the hearing fee was not paid by the stated date, the hearing would not proceed.
  - The hearing fixed for 8 November 2019 will therefore be vacated.
  - The Tribunal is minded to strike out the application for a rent repayment order for failure by the Applicants to comply with Directions and for not paying the hearing fee.
  - Unless therefore the Applicants' representative submits to the Tribunal by 15 November 2019 written reasons as to why the application should not be struck out and a hearing fee of £200 is received by the Tribunal by this date the application will be struck out automatically without any further notice or warning being given.

6. The Applicant supplied no written reasons. The Application is, therefore, struck out (Rule 9(1) of the Tribunal Procedure Rules 2013).
7. A copy of this decision has been sent to the Respondent.

**NOTE: The Applicants may apply for reinstatement of the Application provided they make application in writing to the Tribunal within 14 days after the date of this decision. The application must give reasons why the Applicants have not complied with the directions issued by the Tribunal. It will be a matter for the Tribunal whether the request is granted or not.**

