



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

Case Reference:	CHI/29UE/HBA/2021/0002
Applicant:	Dover District Council
Representative:	Ms Karina Vickerman, lawyer for the Applicant
Respondent:	Stratos Erotokritiou Efstratiou
Representative:	Mr Owusu Abedrese of counsel
Type of Application:	Application for a Banning Order Section 15(1) of the Housing and Planning Act 2016
Tribunal Members:	Judge A Cresswell (Chairman) Ms C Barton MRICS Mr P Gammon MBE BA
Date and venue of Hearing:	8 September 2021 by Video
Date of Decision:	14 September 2021

DECISION

The Application

1. This is an application, brought by Dover District Council (“the Local Authority”) on 23 April 2021, seeking an order under s.16 Housing and Planning Act 2016 (“the 2016 Act”), against the Respondent.
2. On 16 November 2020, at Folkestone Magistrates’ Court, the Respondent was convicted of an offence relating to Flat 4, 126 Folkestone Road, Dover, Kent CT17 9SL (“the Property”). The conviction was for an offence under s.32 of the Housing Act 2004 Act (“the 2004 Act”). The Respondent was fined £3,000 for the offence and ordered to pay a victim surcharge of £181 and costs of £150.
3. On 17 February 2021, the Local Authority sent the Respondent written notice that it intended to apply to this Tribunal for a Banning Order for a period of 5 years. The notice invited him to make representations by 19 March 2021, which he did in his letter of that latter date.

Summary Decision

4. The Tribunal makes a Banning Order of 5 years.

Directions

5. Directions were issued on 4 June 2021. The Tribunal directed that the parties should submit specified documentation to the Tribunal for consideration.
6. This determination is made in the light of the documentation submitted in response to the directions and the evidence and submissions made at the hearing. Evidence was given to the hearing by Ms Jo-Anne Perry, Environmental Health Officer for the Applicant’s Private Housing Department, Kerry Petts, Private Sector Housing Team Leader and Environmental Health Officer for Folkestone and Hythe Council (in written form) and by the Respondent, Stratos Efstratiou. At the end of the hearing, the representatives told the Tribunal that they had had an opportunity to say all that they wished and had nothing further to add.

The Law

7. The statutory provisions relating to Banning Orders are contained within the 2016 Act.
8. In summary, a local housing authority may apply to this Tribunal for a Banning Order against a person who has been convicted of a Banning Order offence and

who was a 'residential landlord' or a 'property agent' at the time the offence was committed. These expressions are defined in sections 54, 55 and 56 of the 2016 Act.

9. Section 14 of the 2016 Act provides that if a Banning Order is made by the Tribunal, the person is banned from:
 - (a) letting housing in England;
 - (b) engaging in English letting agency work;
 - (c) engaging in English property management work; or
 - (d) doing two or more of those things.

10. Section 15 requires the authority to give the person a notice of intended proceedings before applying for a Banning Order:
 - (a) informing the person that the authority is proposing to apply for a Banning Order and explaining why;
 - (b) stating the length of each proposed ban; and
 - (c) inviting the person to make representations within a period specified in the notice of not less than 28 days.

11. The authority must consider any representations made during that notice period, and must wait until the notice period has ended before applying for a Banning Order. Notice of intended proceedings may not be given after the end of the period of six months beginning with the day on which the person was convicted of the offence to which the notice relates.

12. Section 16(4) provides that in deciding whether to make a Banning Order against a person, and in deciding what order to make, the Tribunal must consider:
 - (a) the seriousness of the offence of which the person has been convicted;
 - (b) any previous convictions that the person has for a Banning Order offence;

- (c) whether the person is or has at any time been included in the database of rogue landlords and property agents; and
 - (d) the likely effect of the Banning Order on the person and anyone else who may be affected by the order.
- 13. Section 17 details the duration and effect of a Banning Order:
 - (1) A banning order must specify the length of each ban imposed by the order.
 - (2) A ban must last at least 12 months.
 - (3) A banning order may contain exceptions to a ban for some or all of the period to which the ban relates and the exceptions may be subject to conditions.
 - (4) A banning order may, for example, contain exceptions
 - (a) to deal with cases where there are existing tenancies and the landlord does not have the power to bring them to an immediate end, or
 - (b) to allow letting agents to wind down current business.
- 14. Section 18 states that a banning order may include provision banning the person against whom it is made from being involved in any body corporate that carries out an activity that the person is banned by the order from carrying out. For this purpose a person is "involved" in a body corporate if the person acts as an officer of the body corporate or directly or indirectly takes part in or is concerned in the management of the body corporate.
- 15. Section 14(3) defines a "Banning Order offence" as an offence of a description specified in regulations made by the Secretary of State. The relevant regulations are the Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018 ("the 2018 Regulations") which sets out the Banning Order offences in the Schedule to the Regulations ("the Schedule"). The 2018 Regulations only apply to offences committed after the coming into force of the regulations, on 6th April 2018.
- 16. An offence of failing to comply with a Prohibition Order contrary to Section 32 (1) of Housing Act 2004 is a "Banning Order offence".

17. The Local Authority relies on its own policy. The policy adopts a matrix for determining the matters it should have regard to when making a banning order application.

Guidance

18. The Ministry of Housing, Communities and Local Government published non-statutory guidance in April 2018: *Banning Order offences under the 2016 Act - Guidance to Local Authorities*, (“the Guidance”). The stated intention of the Guidance is to help local authorities understand their new powers to ban landlords from renting out properties in the private sector. Its recommendations are not mandatory but it is good practice for a local housing authority to follow them.
19. The Guidance notes the Government’s intention to crack down on a “*small number of rogue or criminal landlord’s [who] knowingly rent out unsafe and substandard accommodation*” and to disrupt their business model.
20. Paragraph 1.7 of the Guidance states that Banning Orders are aimed at “*Rogue landlords who flout their legal obligations and rent out accommodation which is substandard, we expect banning orders to be used for the most serious offenders*”
21. Paragraph 3.1 states that: “*Our expectation is that a local housing authority will pursue a Banning Order for the most serious offenders*”.
22. Paragraph 3.3 addresses the factors that a local housing authority should consider when deciding whether to apply for a Banning Order, and when deciding on the proposed duration of any order. It lists the statutory requirements in s.16(4), and suggests that regard should also be had to:
 - (a) harm caused to the tenant;
 - (b) punishment of the offender;
 - (c) deterring the offender from repeating the offence; and (d) deterring others from committing similar offences.
21. The Guidance also states that local housing authorities are expected to develop and document their own policy on when to pursue a banning order and should decide which option to pursue on a case by case basis, in line with that policy.

It repeats the expectation that a local housing authority will pursue a banning order for the most serious offenders.

Agreed History

22. The Tribunal first records the relevant history specifically agreed by the parties or where there is no challenge made to the case stated by the Applicant.
23. The Respondent is owner of the property.
24. On 16 November, 2020, he pleaded guilty to an offence of breaching a Prohibition Order before Folkestone Magistrates' Court with regard to the property and was fined £3,000 and ordered to pay a victim surcharge of £181 and costs in the sum of £150.
25. He was served with a notice of intended proceedings by the Applicant dated 17 February 2021. He responded by letter of 19 March 2021.
26. He is a professional landlord of long standing of numerous properties. He has been known as a portfolio landlord by the Applicant since 2008.
27. He is not included in the database of rogue landlords and property agents.

The Issues Before the Tribunal

The Applicant

28. The Applicant detailed the background facts.
29. A Prohibition Order was made in relation to the property on 8 August 2013, operative from 6 September 2013. It related to crowding and space and contained the following 2 prohibitions:
 - 1) *The first floor front left hand side room must not be used as a bedroom.*
 - 2) *The first floor front right hand side room must not be occupied by more than one person.*
30. On or about 24 December 2013 and on or about 30 January 2014, the Respondent committed offences of breaching the Prohibition Order. On 3 September 2014, after the Respondent had pleaded not guilty, he was convicted of those offences of breaching the Prohibition Order and fined £2,000 on each offence, with costs and victim payments being ordered to pay a total of £5,530.
31. In July 2019, the Applicant council believed that there was overcrowding at the property and in September 2019 found that the Respondent had let the property to a couple (and their 2 children) for some 4½ years since June 2015, when their

tenancy had begun. The majority of the rent, some £19,000 had been paid by the Housing Benefit Department, with the tenants paying a monthly cash element too. No action had been taken to remedy the defects which led to the Prohibition Order. This led to the conviction of 16 November 2020.

32. The reasons for making an application for a Banning Order are that Dover District Council consider the offence committed as a serious one.
33. The Applicant Council seeks a 5 year Banning Order. The banning order would be appropriate and 5 years is proportionate and reflects both the severity of the offence and his previous offending. It would ensure that it has a real economic impact on him, protects tenants and demonstrates the consequences of not complying with his responsibilities.
34. The Banning Order needs to deter the Respondent from offending again and ensure that, in future, he complies with all of his legal responsibilities, thus protecting tenants. It would act to deter others.
35. He is running a business as a residential landlord. A Companies House search reveals he was a director of a registered business known as S & C Estates Ltd (06508250) from the time of its incorporation in 2008 (dissolved in June 2019). His occupation was stated as Landlord. He knew or ought to have known that he was in breach of the law.
36. The Applicant believes there would be minimal effect of this banning order on anyone except the Respondent, who could instruct an agent to manage his portfolio of properties; and/or manage those tenancies or bring them to an end. There are believed to be about 25 properties. Evictions would not be necessary.
37. In deciding whether to seek this Banning Order, the Applicant considered its Private Sector Housing Enforcement Policy and the Ministry of Housing, Communities and Local Government Guidance in respect of Banning Order Offences under the Housing and Planning Act 2016.
38. The Prohibition Order was varied on 9 January 2020 following remedial works and revoked on 21 February 2020 following receipt of the Respondent's appeal against the variation.
39. There have been over 10 complaints to the Applicant by tenants of the Respondent since 2014. In some instances, he has been cooperative following complaints.

40. It is denied that the Respondent is treated any differently to any other landlords; where complaints are received, they are investigated, and action is taken as per the Enforcement Policy.
41. The fact that there are legislative provisions that only allow application for a Banning Order after a conviction, clearly demonstrates that such an order would not be a case of double jeopardy.
42. Mr Jano provided witness evidence against the Respondent for the 2020 conviction and was re-housed by the council when the family had to vacate the flat subject to the Prohibition Order.
43. Kerry Ann Petts, a Private Sector Housing Team Leader employed by Folkestone & Hythe District Council, records that on 15 April 2014, Mr Efstratiou was served with a Housing Act 2004 Improvement notice in relation to 3 Queen Street, Folkestone, Kent, CT20 1JF. The deadline for compliance was 6 June 2014. This notice was complied with after the tenant vacated the property in December 2014.
44. On 20 June 2017, Mr Efstratiou was served with a Prevention of Damage by Pests Act notice in relation to rats at 11 Guildhall Street, Folkestone, Kent, CT20 1EA. The notice was complied with by 28 September 2017.
45. At the Crown Court at Canterbury on 28 February 2020, the Respondent was sentenced to 2 years imprisonment, ordered to pay a Victim Surcharge of £100 and a Confiscation amount of £97,838.04 for offences of fraudulent evasion of Value Added Tax (x2), knowingly being concerned in fraudulent activity by under-declaring his income with a view to obtaining payments of tax credit and possessing articles for use in fraud.
46. Ms Vickerman pointed to the repeated breaches by the Respondent of the same Prohibition Order.
47. She argued that the Respondent says he is the manager of the property and that other managing agents would cause problems, but that it is he who has been causing his own problems. She said that there are numerous agents available to him in the area, but, by his own admission during the hearing, he has done no research into alternative agents.

The Respondent

48. The Respondent says that the Applicant issued a Notice of Variation on 9 January 2020, expressly acknowledging the remedial works carried out at the property by the Respondent.
49. He asked the Applicant to revoke the Prohibition Order. When it was unwilling to do so, he appealed and then the Applicant agreed to revoke. The initial refusal to revoke caused him unnecessary expenditure on legal action.
50. He first started to rent properties in the Applicant's area in 1987. Because he was inexperienced, he used a property management company.
51. He discovered that the tenants in his property were into unlawful activities including drugs. He was not happy that this was not discovered by the managing agents but by him. He immediately took action, gave notice to evict the tenants but they left of their own accord before the notice even expired. Apparently, they were scared by the fact that he made a formal complaint to the Police about their unlawful activities.
52. Thereafter, he made the decision to personally manage his properties himself rather than entrusting this to third party agents whose sole motivation might be profit. He has continued to personally manage all his properties since then and has been in the property business for around 35 years now.
53. He now has 28 properties, but not all are owned exclusively by him. Ownership of about 10 of the properties is shared with his wife.
54. His business provides the funds for his children's education and his family life. A Banning Order will have a potentially devastating impact on himself and his wife and children.
54. He has dedicated 35 years of his life into managing his properties without any major problems. He has always taken good care of his properties and is proud that the majority of his tenants are long-sitting tenants of his, many of whom have spent between 5 and 10 years in his properties without any major issues. He always ensures that he promptly attends to any issues raised by any of his tenants as he believes in looking after them to the best of his abilities.
56. He lives close to many of his properties.
57. Over 85% of his tenants are Housing Benefit recipients and are being supported by the Applicant Local Council. This means that directly or indirectly, he has over the years and continues to play a major role in providing decent accommodation to those who need it within the area. This means also that he

has and continues to work with the Applicant to tackle the serious problem of homelessness which, although not unique to the Applicant Local Council, remains a major problem.

58. Management of the properties is a 24-hour obligation that can only be delivered by him.
59. If a Banning Order is made against him for any length of time, he will be placed in a position where he will have to take steps to evict the tenants, many of whom are like family to him and including women and young children. If this happens, he is convinced that a majority of them will immediately become problems and a financial burden for the Applicant as they will no doubt need to be accommodated immediately.
60. All of his properties have outstanding mortgages, serviced by the rent received. A Banning Order would deprive him of the income and cause serious financial problems.
61. He has no savings. After paying mortgage and maintenance costs, he only gets by on the residue. His pension today is roughly £18,000 after deductions. At 55, this will not be enough for his old age and with his state of health.
62. He has currently accumulated debt of about £2.2 million. He does not believe he can raise this much from the sale of his properties. He could lose the family home and his family will suffer as a result.
63. He believes the Applicant has enmity towards him as illustrated by the history of the revocation of the Prohibition Order. He believes this is linked to a complaint he made about a neighbouring property "a while ago".
64. He has enjoyed cordial relations with his tenants, many of whom have written in support, even one whom he had to evict. The tenant in residence at the time of his recent conviction enjoyed a good relationship with him and asked him to rent another of his properties after he evicted that tenant.
65. A Banning Order will likely have a negative impact on his declining and poor state of health. He was previously treated for a serious illness and takes daily medication. He has a number of serious health conditions.
66. He pleaded guilty at the first opportunity and was given severe pecuniary punishment. Seeking a Banning Order places him in double jeopardy.

67. Mr Adebrese said that this was not an appropriate case for a Banning Order, which is designed for rogue landlords who constantly flout the law in relation to letting.
68. With 35 years' experience, it is clear that the Respondent is a conscientious and successful property letting person. He is not known to the council as a rogue landlord.
69. The circumstances here relate to a single property of a portfolio of 28 properties and needs to be seen in context.
70. The Applicant has made only 1 Banning Order in the last 2 years.
71. The Respondent has already been punished and had to pay a hefty sum of money, which he will finish repaying in December 2021.
72. He has acknowledged he was in breach of the Prohibition Order. He has, since then, completed the required works, as confirmed by the Applicant, and the Prohibition Order has now been revoked.
73. He has a good relationship with his 110 tenants and does not fit the profile of a landlord who seeks to cause harm to his tenants.
74. A Banning Order would be a severe sanction; even 12 months would be disproportionate. His situation does not fit the profile to deter others. The Applicant should go after rogue landlords.

The Tribunal's Findings and Decision

75. The Tribunal is satisfied that the Local Authority have complied with the procedural requirements in section 15 of the 2004 Act. Ms Perry described how the guidance led to its conclusion that a banning order would be the appropriate course in this case
76. It is also satisfied that on 16 November 2020 the Respondent was convicted of a Banning Order offence; namely the offence of failing to comply with a Prohibition Order contrary to Section 32 (1) of Housing Act 2004. The conviction is detailed in a memorandum of entries on the register of the Magistrates Court included in the Applicant Local Authority's bundle.
77. The Tribunal is further satisfied that the Respondent was a "residential landlord" at the time he committed the offence. The Property was let to 2 tenants and 2 children.

78. Given that the mandatory conditions for making a Banning Order are satisfied, the Tribunal must decide whether to exercise the Tribunal's discretion to make such an order. In exercising that discretion, it must have regard to the factors mentioned in s.16(4) of the 2016 Act. In addition, it considers it appropriate to have regard to the Government's non-statutory Guidance on Banning Orders referred to above and to the Local Authorities own enforcement policy. Although the Guidance is not binding on the Tribunal, it is central-government guidance, and the Tribunal attaches significant weight to its contents. The Local Authority's enforcement policy and matrix also aids in the exercise of discretion.
79. The Local Authority's enforcement policy relies on the application of its matrix. The Government's Guidance recommends at paragraphs 1.7 and 3.1 that Banning Orders should only be used for the most serious offenders.
80. The Local Authority's reasons for making the application are set out more clearly in their Statement; those factors related by the Applicant are detailed fully above and endorsed by this Tribunal.
81. The first factor to consider is the seriousness of the relevant offence. The Tribunal does not know what factors the magistrates took account of in determining the comparatively high level of fine, but the severity of the sentence is not a determinative factor for the present purposes. It is for the Tribunal to assess the seriousness of the offences, based on the evidence available to it.
82. The offence is clearly serious in that it poses a relatively high safety risk as there was an unaddressed Category 1 hazard at the property for many years. It took the Respondent some 6 years or so to remedy the defects at the property whilst still receiving an income from tenants he placed at risk, over £19,000 since June 2015. During that time and until he sought revocation by actually doing the necessary works, he had no contact with the Applicant to see how he could resolve the matter.
83. The Tribunal notes that the Respondent has previous convictions for Banning Order offences. The Tribunal has followed the guidance in **Hussain v London Borough of Waltham Forest** (2020) EWCA Civ 1539 and concluded that the misconduct founding the earlier convictions is what the Tribunal should concentrate upon and found those circumstances admissible as being highly

relevant to the issues before this Tribunal, as argued by the Applicant. The Tribunal is satisfied that justice cannot be done except by letting in evidence of the earlier convictions.

84. The Tribunal takes into account that the Respondent has not been included in the database for rogue landlords.
85. The Tribunal did not find persuasive in its resolution of the issues here the few notes of praise for the Respondent, which generally lacked detail, when set against the known facts and against the evidence of the Applicant of receiving in excess of 10 complaints about the Respondent since 2014.
86. The Tribunal is very conscious that a Banning Order is a very serious measure. It is mindful also that apart from this property, the Respondent is virtually unknown to the Applicant authority, and that he has been operating for 35 years (or 25 years as stated in his letter to the Applicant of 19 March 2021) and has a portfolio of 28 properties (noting in that context that regulatory orders came into being in 2004 and Banning Orders available in 2016).
87. The Tribunal has looked at the likely effect of a Banning Order. The Tribunal recognises that such an order could have an adverse effect on the Respondent as he is managing the Property and multiple other properties as a business, which provides income for himself and his family.
88. He told the Tribunal that his children are a son of 25 and a daughter of 23. The son is in his final year of university study and the daughter is currently looking for work, having finished her degree. The Tribunal viewed the “children” as reaching a stage of independence from their parents.
89. The loss to the Respondent would be only the sum paid to a reputable managing agent to manage the properties on his behalf.
90. There is no evidence that a Banning Order would have any adverse effect on the tenants. It does not invalidate their tenancy agreements. The Respondent would need to appoint a competent manager. The Tribunal is well aware that there are numerous managing agents of repute in the Dover and wider South East England area. The Respondent’s suggestion that he may have to evict all of the tenants is not viewed by the Tribunal as a realistic or likely outcome.
91. The Respondent suggested that he may have to sell his properties to pay off his mortgages if a Banning Order was made. The Tribunal gives this suggestion very little weight. Why would he abandon a 35-year career, which is bringing in

£10,755 per month in rent according to figures presented by the Respondent? In any event, the Tribunal could not be satisfied that the figures presented by the Respondent for his indebtedness were accurate as they feature only in a schedule produced by him; the most recent document referred to in that schedule is 1 January 2021; and, as the Tribunal also knows from the conviction at Canterbury Crown Court, documents produced by him cannot always be trusted.

92. The Respondent argued that a Banning Order could adversely affect his health, but his evidence for saying so was very weak indeed. He reported health issues of some age and the most serious of which is monitored each 6 months and treated by medication.
93. The Tribunal did not find the Respondent to be a wholly honest witness. He had a tendency to obfuscate and to dissemble. The Tribunal was satisfied that this was artifice on his part rather than issues with memory or detail. Examples of this came in respect of the number of tenants involved and his knowledge of the substance of the Prohibition Order. In respect of the former, he first told the Tribunal that those resident at the time of the first and second offences were different people, then that they were the same people; next he told the Tribunal that the people involved in the second offence were different to those in the first offence, but the same as in the third offence; next he accepted that there were different residents for all 3 offences. (In fact, to further aggravate his position, it was clear also from the bundle that a further set of residents had been in occupation when the council inspected the property on 5 February 2013.)
94. The Respondent told the Tribunal that he had been unclear about the terms of the Prohibition Order, but also accepted that he had pleaded not guilty to the first two offences and that there had been a trial; the Tribunal finds it inconceivable that if the Respondent was unaware of the details before the trial that he could be unaware of them after the trial. The Tribunal notes, in this context, from its certification that the Prohibition Order was served upon the Respondent at his home address by first class post on 8 August 2013. Further evidence of his attempt to mislead the Tribunal can be found in what he had to say to answer the Notice of Intention in his letter of 19 March 2021, where he said the following, which clearly showed to the Tribunal an awareness at the time of the Prohibition Order of what was required of him:

“In 2013 Mr A. Molenkamp (the environmental officer at the time) had an issue with the layout of Flat 4. I assumed it would have been disputed with Building Control Department or Planning who were satisfied with the compliance of the plans and Building Regulations. But to force someone to make alteration soon after via a schedule of works, felt intimidating and targeted for unjustified cause without any good reason from my point of view.”

95. The above are just examples of how the Respondent attempted to give evidence in his favour by deliberately ignoring the truth.
96. The Tribunal also noted that the Respondent’s most recent conviction, albeit not a Banning Order offence, casts some light on the strength of the case he has submitted. It was a conviction for dishonesty on a large scale. In his sentencing remarks, the Judge refers to the totality of offending amounting to some £95,000 and *“the fact that you were prepared to amass a number of false invoices with a view to cheating, further indicating that you were thinking about what you were doing and planning it and it was sophisticated.”*
97. That most recent offence was not mentioned by the Respondent as being relevant to his financial position; his evidence concentrated upon his relative poverty and the straits into which he would be thrown in the event of a Banning Order being made. The Tribunal notes, however, that he was able to find the monies to satisfy the Confiscation Order of £97,838.04 imposed upon him.
98. Taking all the factors into consideration and recognising that Banning Orders should only be used for the most serious offenders, the Tribunal is satisfied that the Tribunal should exercise its discretion to make a Banning Order in this case.
99. The Tribunal is further satisfied that the Banning Order should be for 5 years. The Banning Order will not start until a month has passed from this Decision so as to allow the Respondent to arrange a transition of management of his properties to a reputable management company.
100. In the context of the Respondent breaching the Prohibition Order in relation to 3 sets of occupants over a period of some 5 to 6 years, there was a serious risk to the welfare of those occupants over a lengthy period.
101. The Respondent knew the details of the Prohibition Order and yet went on to re-let the property in breach of that Order less than a year after being convicted of 2 similar offences. His behaviour has been persistent. What makes the

Respondent's behaviour so egregious and deserving of a Banning Order of the length of 5 years is the fact that he let a property limited to 1 person to 2 adults with their 2 children in full knowledge that he was placing them at the Category 1 risk identified by the Prohibition Order, itself a very serious measure; this was only 9 months after he was convicted of twice before committing exactly the same offence; that he knew precisely, as the Tribunal has found, the risk he was placing that family in and the offence he was thereby committing; that he then left that family to face that risk for a further period of more than 4 years; that he did this for his own gain, receiving over £19,000 in rent, but spending none of it to alleviate the risk at the property.

102. The Respondent's assertion that he deserves credit for paying his fines and for now having done the works required is rejected as having any relevance whatsoever to the issues before this Tribunal. If he did not do the former, he would face further sanction; if he did not do the latter, he was sitting on a weak investment.

APPEAL

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. 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. Where possible you should send your application for permission to appeal by email to rpsouthern@justice.gov.uk as this will enable the First-tier Tribunal Regional Office to deal with it more efficiently.

3. If the person wishing to appeal does not comply with the 28-day time limit, 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.

Annex



FIRST-TIER TRIBUNAL

PROPERTY CHAMBER (RESIDENTIAL PROPERTY)

Case Reference:	CHI/29UE/HBA/2021/0002
Applicant:	Dover District Council
Respondent:	Stratos Erotokritiou Efstratiou
Date	14 September 2021

BANNING ORDER

PURSUANT TO THE HOUSING AND PLANNING ACT 2016

IMPORTANT

A person who breaches a Banning Order commits an offence and is liable on summary conviction to imprisonment for a period not exceeding 51 weeks or to a fine or both. Alternatively, a local housing authority may impose a financial penalty of up to £30,000 on a person whose conduct amounts to that offence.

The Respondent's attention is drawn to the provisions of section 21 of the Housing and Planning Act 2016.

1. This Banning Order is made pursuant to sections 14 – 18 of the Housing and Planning Act 2016.

2. For the reasons given in the decision of the Tribunal dated 14 September 2021
IT IS ORDERED:

The Respondent, **Stratos Erotokritiou Efstratiou**, is, with effect from **15 October 2021** until **14 October 2026** banned from:

- (a) letting housing in England;
- (b) engaging in English letting agency work;
- (c) engaging in English property management work; or
- (d) doing two or more of those things.

This Banning Order also bans **Stratos Erotokritiou Efstratiou** from being involved in any body corporate that carries out any activity that is subject to this Banning Order.

3. The date specified in paragraph 2 above as the date on which the Order is to commence is one month from the date of the Tribunal's decision to make a Banning Order. This one month period is to enable the Respondent to arrange a transition of management of his properties to a reputable management company.
4. The reasons for making this Banning Order are set out in the Decision issued separately by the Tribunal. Notification concerning rights of appeal against the Tribunal's decision to make a Banning Order is given at the end of the Tribunal's decision.

Judge Cresswell 14 September 2021

EXPLANATORY NOTES:

- 1. A person who is subject to a banning order that includes a ban on letting may not make an unauthorised transfer of an estate in land to a prohibited person. Any such transfer is void (section 27 of the Housing and Planning Act 2016).
- 2. A breach of a banning order does not affect the validity or enforceability of any provision of a tenancy or other contract.

3. A person against whom a banning order is made may apply to the Tribunal for an order varying or revoking the order, pursuant to section 20 of the Housing and Planning Act 2016.
4. The expressions “English letting agency work” and “English property management work” have the meanings given to them in sections 54 and 55 of the Housing and Planning Act 2016.

Schedule

Housing and Planning Act 2016

Section 15

Application and notice of intended proceedings

- (1) A local housing authority in England may apply for a banning order against a person who has been convicted of a banning order offence.
- (2) If a local housing authority in England applies for a banning order against a body corporate that has been convicted of a banning order offence, it must also apply for a banning order against any officer who has been convicted of the same offence in respect of the same conduct.
- (3) Before applying for a banning order under subsection (1), the authority must give the person a notice of intended proceedings—
 - (a) informing the person that the authority is proposing to apply for a banning order and explaining why,
 - (b) stating the length of each proposed ban, and
 - (c) inviting the person to make representations within a period specified in the notice of not less than 28 days (“the notice period”).
- (4) The authority must consider any representations made during the notice period.
- (5) The authority must wait until the notice period has ended before applying for a banning order.
- (6) A notice of intended proceedings may not be given after the end of the period of 6 months beginning with the day on which the person was convicted of the offence to which the notice relates.

Housing Act 2004

Section 32

Offence of failing to comply with prohibition order etc

(1) A person commits an offence if, knowing that a prohibition order has become operative in relation to any specified premises, he—

(a) uses the premises in contravention of the order, or

(b) permits the premises to be so used.

(2) A person who commits an offence under subsection (1) is liable on summary conviction—

(a) to a fine not exceeding level 5 on the standard scale, and

(b) to a further fine not exceeding £20 for every day or part of a day on which he so uses the premises, or permits them to be so used, after conviction.

(3) In proceedings against a person for an offence under subsection (1) it is a defence that he had a reasonable excuse for using the premises, or (as the case may be) permitting them to be used, in contravention of the order.