



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

Case References : LON/00AG/HBA/2020/0001
LON/00AG/HBA/2020/0002
LON/00AG/HBA/2020/0003
LON/00AG/HBA/2020/0004

Blended hearing by V:CVP and in person

Applicant : London Borough of Camden

Respondents : Mr Talal Faliez Fahad Sagor Alenezi
Mr Daya Ahmed Dayaaldeen
Mr Mohamed Ali Abbas Rasool
Ms Hena Mohamed Rashid

Application : Application for Banning Orders under s.16
Housing and Planning Act 2016

Members of Tribunal : Ms H C Bowers MRICS BSc MSc
Ms S Coughlin MCIEH

Date and Venue of Hearing : 13 May 2021, 15 June and 3 August 2021
Remote

Date of Decision : 17 January 2022

DECISION

The Tribunal makes Banning Orders against the four Respondents, each for a period of five years, in the terms set out in the Orders that accompanies this decision.

Hearing Arrangements:

- (A) This has been a blended hearing with a face to face element at 10, Alfred Place, London, WC1E 7LR and part video hearing which has been consented to by the parties. The form of remote hearing was V:CVP. A full face-to-face hearing was not held because it was not practicable, and no request was made for a full face-to-face hearing. The documents that the Tribunal was referred to were in a bundle from the Applicant of 385 pages and a supplemental bundle of 130 pages and an additional single page, being an extract from Companies House in relation to Knightsbridge Properties London Limited. Prior to the final hearing the Applicant sent to the Tribunal 16 pages relating to an Injunction Order made against Blackstone Vertu Limited and Mr Mohammed Ali Abbas Rasool and five pages being an attendance note prepared by the Applicant's solicitor in respect of another case. Also provided was a Skeleton Argument, a Chronology and the decision in London Borough of Redbridge v Cikanavicius [LON/00BC/HBA/2020/0007].
- (B) Other than Mr Rasool's presence at the hearing and some initial correspondence from his representative, as noted below, none of the Respondents have engaged with this process and there are no documents submitted on their behalf.
- (C) All documents have been noted by the Tribunal, except the evidence that was excluded and that is detailed below. Numbers in bold and in square brackets with the prefix A, below refer to pages in the hearing bundle prepared by Camden.
- (D) The original remote video hearing took place on 13 May 2021. This hearing was adjourned as there were concerns about whether all the Respondents had been given proper notice of the hearing. There were also concerns about the nature the bundle. The Tribunal made further Directions for a supplemental bundle and for the Respondents to be given a further opportunity to engage. The case was re-listed for 15 June 2021 by video and that hearing commenced at 10:00 am. However, at 11:05 am the Tribunal took a message from the Case Officer that one of the Respondents, Mr Rasool, had arrived at the Tribunal's office at 10, Alfred Place, London, WC1E 7LR. The hearing was adjourned for approximately an hour whilst arrangements were made for Mr Rasool to join the hearing by the video link. The Tribunal provided Mr Rasool with a hard copy of the bundle and supplemental bundle and the extract from Companies House in relation to Knightsbridge Properties London Limited. Mr Rasool sought an adjournment as the correspondence in this case had been sent to a previous address that he vacated 18 months previously and so that he could obtain legal advice. He had visited an old address and had found correspondence in relation to the case. He explained that he was purely representing himself and that Mr Alenezi and Mr Dayaaldeen were former business partners, but he was not related to them and that he had not spoken to either of them for some time. He confirmed that Ms Rashid is his mother and provided postal addresses for both himself and Ms Rashid. He stated that his postal address to be 55, Park Mansions, London, SW1x 7QT. He also provided an email address for himself. He stated that he had not spoken to his mother about this matter as she was pre-occupied with attending to his father who was ill in hospital. He confirmed that he had been a director of

Knightsbridge Properties London Limited in the past, however, he had sold his shares, he thought in 2020. He consulted his mobile and then said he had resigned on 10 September 2018. Mr Rasool asked for the hearing to be arranged so that he could attend in person at Alfred Place. Given the importance of the Banning Order and the consequences to all the Respondents, the Tribunal considered that it was in the interests of justice to allow an adjournment, so that Mr Rasool could seek legal advice.

- (E) The final hearing took place on 3 August 2021 and was a hybrid hearing with the hearing taking place at 10, Alfred Place, London, WC1E 7LR as a face to face hearing with the Chair and Mr Mohammed Ali Abbas Rasool in the Tribunal room. Ms Coughlin, the other Tribunal member, was present by video and for the Applicant, Ms S Evans of counsel, Mr P Bernard, lawyer for the Applicant and Mr Arnold and Mr Hyseni, both employed by the Applicant, attended by video link.
- (F) It should be noted that the hearing was slightly delayed ensuring that any of the Respondents who wished to attend could participate. The Tribunal noted that from 10:00 am there were several attempts by an individual to join by telephone. The Case Officer was unable to speak with that individual and the attempts ceased, but it appeared to be Mr Rasool attempting to join by telephone. The hearing started at 10:20 and at 10:35 Mr Rasool arrived in person at Alfred Place, the hearing was re-started at that point. Mr Rasool confirmed that he was not representing any of the other Respondents.
- (G) Given the time that the hearing finished the Tribunal made arrangements for closing submissions in writing. With Mr Rasool and the other Respondents to provided closing submissions first and to be followed by those for the London Borough of Camden. Mr Rasool was required to provide his closing submissions by 17 August 2021. Following a request, an extension this was granted until 23 August 2021. No closing submissions were received, from Mr Rasool and Camden provided their closing submissions on 20 October 2021. On the same day Mr Rasool wrote to state that he had instructed counsel and sought another opportunity to make closing submissions. Reluctantly the Tribunal allowed those closing submissions to be made by 1 November 2021 and for London Borough of Camden to make any reply by 5 November 2021. There has been no engagement from the other three Respondents.
- (H) The Tribunal has now received 10 pages of closing submissions from the London Borough of Camden and four pages of closing submissions from David Berkley as counsel for Mr Rasool.

Background:

1. These are four applications brought by London Borough of Camden (“Camden”), seeking orders under s.16 Housing and Planning Act 2016 (“the 2016 Act”). The relevant case numbers are set down as follows:
 - a. LON/00AG/HBA/2020/0001 – Mr Talal Faliez Fahad Sagor Alenezi
 - b. LON/00AG/HBA/2020/0002 – Mr Daya Ahmed Dayaaldeen
 - c. LON/00AG/HBA/2020/0003 – Mr Mohamed Ali Abbas Rasool
 - d. LON/00AG/HBA/2020/0004 – Ms Hena Mohamed Rashid

2. It was stated that the applications should be heard together as the four Respondents were part of the same family/network. It is claimed that all four Respondents had committed offences under the Housing Act 2004 (the 2004 Act). The summary of each case was set out in the application forms and are detailed below.
3. In respect of Mr Alenezi it was stated that the relevant offence was committed on 23 January 2019 and he was convicted on 4 July 2019. The relevant property where the offence was committed was said to be 36 Pandora Road, London, NW6 1TT. The offence was the failure to secure an appropriate licence under section 72 of the 2004 Act and the fine was £15,000 plus costs. It is stated that there are past convictions under the 2004 Act. Mr Alenezi is stated to be a Director of Grosvenor Property Investment London Limited **[A16]**.
4. In respect of Mr Dayaaldeen it was stated that the relevant offences were committed on 23 January 2019 and he was convicted on 4 July 2019. The relevant property where the offences were committed was said to be 36 Pandora Road, London, NW6 1TT. The first offence was the failing to comply with a Prohibition Order under section 32 of the Housing Act 2004 and that the fine was £5,000. The second offence was the failure to secure an appropriate licence under section 72 of the 2004 Act and the fine was £15,000. It is stated that there are past convictions under the 2004 Act. Mr Dayaaldeen was stated to be the Director of Business Home Limited **[A6]**.
5. In respect of Mr Rasool it was stated that the relevant offence was committed on 23 January 2019 and he was convicted on 4 July 2019. The relevant property where the offence was committed was said to be 36 Pandora Road, London, NW6 1TT. The offence was the failure to secure an appropriate licence under section 72 of the 2004 Act and the fine was £15,000. It is stated that there are past convictions under the 2004 Act. It appears that Mr Rasool is linked to Knightsbridge Properties London Limited **[A26]**.
6. In respect of Ms Rashid it was stated that the relevant offences were committed on 23 January 2019 and she was convicted on 4 July 2019. The relevant property where the offences were committed was said to be 36 Pandora Road, London, NW6 1TT. The first offence was the failure to secure an appropriate licence under section 72 of the 2004 Act and the fine was £15,000 plus costs. It is stated that there are past convictions under the 2004 Act. It appears that Ms Rashid is linked to Knightsbridge Properties London Limited **[A36]**.
7. All the applications were each dated 21 February 2020 and received by the Tribunal on 26 February 2020. Directions were initially issued on 13 March 2020. These set out the timetable for the parties to prepare and for a hearing on 26 June 2020. However, due to the Covid-19 pandemic this matter was postponed. The Directions were amended on 24 June 2020 and then re-amended on 4 February 2021.
8. The Notices of Intent to apply for a Banning Order, as required by section 15 of the 2016 Act were essentially in the same form and sought to prevent the Respondents

from letting housing in England, engaging in English letting agency work, engaging in English property management work or doing two or more of those things. The notices are dated 22 November 2019 and set out the reasons for the application and stated that the length of the Banning Orders being applied for was 5 years. All the notices gave the 3rd January 2020 as the date for any representations to be made. The notices are in the bundle as follows: Mr Alenezi **[A63]**, Mr Dayaaldeen **[A71]**, Mr Rasool **[A79]** and Ms Rashid **[A55]**.

9. Included in the bundle were the memorandum of entries showing the relevant convictions as detailed in paragraphs 3 to 6 above at the North London Magistrates Court for 4 July 2019. The details are as follows:
 - a. Talal Faliez Fahad Alenezi on or about 23 January 2019 having control of or managing a House in Multiple Occupation at 36 Pandora Road, that was required to be licenced pursuant to section 72 of the Housing Act 2004 but was not so licenced. The fine was £15,000 with a victim surcharge of £170 and costs of £321. Mr Alenezi was not present at the magistrates hearing **[A85]**.
 - b. Daya Ahmed Dayaaldeen on or about 23 January 2019, Business Home Limited having control of or managing a House in Multiple Occupation at 36 Pandora Road, that was required to be licenced pursuant to section 72 of the Housing Act 2004 but was not so licenced. The fine was £15,000 with a victim surcharge of £170 and costs of £321. Also on or about 23 January 2019, Business Home Limited knowing that a Prohibition Order in relation to a category 1 hazard, had become operative, had without a reasonable excuse, permitted the premises to be used in contravention of the order and contrary to section 32 of the Housing Act 2004 and the offence was committed with the consent and connivance of, or was attributable to the neglect of Daya Dayaaldeen. The fine for this second offence was £5,000 **[A91]**. Mr Dayaaldeen was not present at the magistrates hearing.
 - c. Mohamed Rasool on or about 23 January 2019, Knightsbridge Properties London Limited, having control of or managing a House in Multiple Occupation at 36 Pandora Road, that was required to be licenced pursuant to section 72 of the Housing Act 2004 but was not so licenced. The fine was £15,000 with a victim surcharge of £170 and costs of £321 **[A89]**. Mr Rasool was not present at the magistrates hearing.
 - d. Hena Mohammed Rashid of Knightsbridge Properties London Limited, on or about 23 January 2019 having control of or managing a House in Multiple Occupation at 36 Pandora Road, that was required to be licenced pursuant to section 72 of the Housing Act 2004 but was not so licenced. The fine was £15,000 with a victim surcharge of £170 and costs of £321. Ms Rashid was not present at the magistrates hearing **[A87]**.
10. There were other convictions that are not Banning Order offences, and these are listed as follows:

- a. In respect of Mr Dayaaldeen there was a further conviction of an offence pursuant to section 16 of the Local Government (Miscellaneous Provisions) Act 1976. The fine was £5,000 and it is stated that the offence was committed with the consent or connivance of, or attributable to the neglect of Daya Dayaaldeen as the director of Business Home Limited **[A91]**.
 - b. In respect of Mr Rasool there was a further conviction of an offence pursuant to section 16 of the Local Government (Miscellaneous Provisions) Act 1976. The fine was £5,000 and it is stated that the offence was committed with the consent or connivance of, or attributable to the neglect of Mohamed Rasool as the director of Knightsbridge Properties London Limited **[A89]**.
 - c. In respect of Ms Rashid there was a further conviction of an offence pursuant to section 16 of the Local Government (Miscellaneous Provisions) Act 1976. The fine was £5,000 **[A87]**.
11. The summonses in respect of the proceedings in the Magistrates Court were provided at P376-382. The summonses provide the full details of the offences. In relation to Mr Alenezi it is stated that the offence was committed with the consent or connivance of, or was attributable to any neglect of Talal Alenezi, the director of Grosvenor Property Investments London Limited, and by section 251(1) of the 2004 Act, he is guilty of the said offence **[A377]**. The same is said of Mr Dayaaldeen in relation to Business Homes Limited **[A382]**, Mr Rasool in relation to Knightsbridge Properties London Limited **[A380]** and Ms Rashid in relation to Knightsbridge Properties London Limited **[A379]**.
 12. None of the Respondents have made representations in response to the Notices on Intent served by Camden. However, Camden did receive correspondence from Spencer West and this is detailed in the Respondents' case below.
 13. These four applications relate to a single property at 36, Pandora Road, London, NW6 1TT (Pandora Road). The Applicant has provided a description of the property **[P140]** and there is nothing to contradict this description and the Tribunal has not made an inspection of the property. Pandora Road is described as a three-storey, end-terrace Victorian building. It is in an 'L' shape and provides 16 self-contained studios. The studios vary in size from 8m² to 11.2m² that includes cooking and bathroom facilities. It is stated that the property was unlawfully converted to provide the 16 studios and that 13 Prohibition Orders were served on the studio flats. The property is a House in Multiple Occupation (HMO) under section 257 of the Housing Act 2004 that was unlicensed. Floor plans were produced in the bundle at P187-189. The freehold is owned by Venetian Star Limited (VSL), which is incorporated in the British Virgin Islands. It is stated that Grosvenor Property Investment London Limited (GPLL) and Knightsbridge London Limited (KLL) and later Business Homes Limited (BHL) were the managing agents of the property.
 14. The proposed Banning Order for each Respondent was set out on P93 but was updated to reflect the provisions of section 18 of the 2016 Act **[P384]**.

Statutory Provisions and Guidance

15. The statutory provisions relating to Banning Orders are contained within Chapter 2 of Part 2 of the 2016 Act and, to the extent relevant, are set out in Appendix 2 to this decision.
16. In summary, a local housing authority (LHA) 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.
17. Section 14 of the 2016 Act provides that a Banning Order means an order banning a person 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.
18. Section 15 requires the LHA 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.
19. The LHA 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.
20. Section 16 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.
21. Section 17 provides that a ban must last at least 12 months but may contain exceptions to the ban for some or all of the period to which the ban relates. The exceptions may also be subject to conditions. In addition, 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. Nor can a banned person hold an HMO licence or a licence under Part 3 of the Housing Act 2004 in respect of a house. In addition, an HMO licence or Part 3 licence must be revoked if a Banning Order is made against the licence holder. Interim and final management orders may be made in cases where a Banning Order has been made and a property has been let in breach of the Banning Order.
22. 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 2018 Regulations only apply to offences committed after the coming into force of the regulations, on 6th April 2018.
23. For the purposes of these applications, the following offences, identified in Item 3 of the Schedule, constitute Banning Order offences, unless the sentence imposed on the person convicted of the offence is an absolute discharge or a conditional discharge:
- (a) offences in relation to licensing of Houses in Multiple Occupation under section 72(1), (2) and (3) Housing Act 2004; and
 - (b) offences in relation to failure to comply with management regulations in respect of Houses in Multiple Occupation under s.234(3) Housing Act 2004
 - (c) failure to comply with a Prohibition Order under section 32(1) of the Housing Act 2004.
24. The Tribunal has also had consideration to the guidance from MHCLG entitled Banning Order Offences under the Housing and Planning Act 2016 - Guidance for Local Housing Authorities, published in 2018 [MHCLG Guidance].

Preliminary and Procedural Matters

25. At the start of the third hearing on 3 August 2021, on Mr Rasool’s arrival, it was noted that he was attempting to access the 499 pages of the bundle on his mobile phone. He had not brought the bundle that had been printed out for him at the previous hearing on 13 June 2021. He stated that as the additional papers, the skeleton argument, the chronology and the case under LON/00BC/HBA/2020/0007

were sent on 30 July 2021, this was insufficient time for him to consider those documents. He claimed that the documents had not been sent to him and did not fully respond to Camden's position about his email address. He initially sought to have the documents excluded and then sought to seek a further 14-day extension to find someone to represent him at the hearing. Mr Rasool sought to present a number of his own documents and stated that he should be allowed to participate as he was not guilty of any matter and he should be able to defend himself. Mr Rasool confirmed that he had gone through the bundles that had previously been provided and had contacted solicitors about this case. but was not previously aware of the Directions. His representative, Mr Andrew Gilbert, had been dis-instructed in November/December 2019.

26. In response, Mr Bernard explained that the documents had been sent to the email address Mr Rasool had provided at a hearing on another matter which he attended on 15 July 2021. Mr Evans stated that the Skeleton and the Chronology were not new evidence, but there to assist the Tribunal and the parties. The other documents were to provide an update and were documents that Mr Rasool was either aware of or related to a hearing where he was present. The Applicant sought to have Mr Rasool debarred from any further participation in this case, due to his non-compliance with the Tribunal's Directions. Mr Evans referred to the amended Directions **[A52(d)]**. He stated that it would be prejudicial to the Applicant if the Respondent was able to engage at this late stage.
27. The hearing was adjourned for approximately 45 minutes so that the Tribunal could consider these preliminary issues. The opportunity was taken for the Case Officer to provide Mr Rasool with a further copy of all the documents.
28. The Tribunal refused the application from Mr Rasool to adjourn this case. This was the third time this case has been listed. Mr Rasool was in attendance at the last hearing and was granted an adjournment at that time, for him to seek legal advice, He confirmed that he had obtained that advice and gave no explanation why he was not represented at the current hearing. It would not be proportionate or in the interests of justice for this case to be adjourned again, given the ample time for Mr Rasool to prepare.
29. In respect of the late documents, we find that Mr Rasool has had the additional documents since at least 30 July 2021 as we are satisfied that he provided Mr Bernard with an appropriate email address. Although that email address was different from the email address he had provided to the Tribunal in June, it was an email address that has been linked to him from other correspondence. We allow both the chronology and the skeleton to be considered, as both those documents do not amount to new evidence and are documents that set out the issues and the Applicant's case and will assist the parties and the Tribunal. To the extent that the skeleton and chronology refer to other issues not already in the bundle then the Tribunal will not consider those references. However, we refused permission for the admission of the documents relating to the injunction and to the attendance note. Whilst it is acknowledged that those documents may provide an update, they have

been provided at a very late stage and we consider that the Applicant should be able to progress their case without those documents. Likewise, we refuse Mr Rasool's request to submit his documentation. It is not appropriate for him to bring documents on the day, when there has been no compliance with the Directions. He states that he has never seen the Directions, but as we found that the email address given to the Applicants in July was used by this Tribunal that it was highly probable that documents and Directions sent to his former representative had been sent onto him and that he had already been given the original bundle, the supplemental bundle and the Companies House extract in relation to Knightsbridge Properties London Limited at the second hearing on 15 June 2021, we find that he has had ample opportunity to consider the Directions.

30. Finally, we refuse the Applicant's request for Mr Rasool to be debarred from any further participation in this case. We appreciate that the Applicant is concerned about any prejudice it may suffer. However, we consider that the consequences of a Banning Order are so significant that it is only fair and in the interests of justice, that Mr Rasool has an opportunity to present a case and be able to participate and ask questions of the Applicant's witnesses. We will put such weight as we think appropriate on Mr Rasool's evidence considering that there is not a witness statement and there has been non-compliance with the Directions. In order that the Applicant can properly deal with Mr Rasool's case, we allowed Mr Rasool to go first and set out all the issues he wanted to raise.
31. The hearing on 3 August 2021 ended after 5:00pm and several participants were unable to continue. As the Tribunal had heard from Mr Rasool and the two witnesses from the Applicant, it was considered that the most appropriate way forward was to deal with closing submissions on paper. The Tribunal made further directions for the Respondents and the Applicants to make closing submissions. Details of the timeline in respect of these closing submissions are set out in paragraph G above.

Respondents' Case:

32. To provide a further background to the Respondents' case, set out below, is a brief history of their engagement in this case prior to the hearing.
33. On 24 December 2019 Spencer West wrote to Camden stating that it was acting for Mohamed Ali Abbas Rasool and that the Notice of Intent had been passed to them by their client and seeking an extension of time to make representations from 3 January 2020 to 17 January 2020 and further information about the convictions for all four parties [P171]. By an email dated 30 December 2019, Camden granted the extension. However, according to Vincent Arnold's witness statement no representations were made.
34. The application forms indicated that Spencer West was the representative for all the Respondents. However, in an email to the Tribunal, Spencer West explained that they had been instructed by the third Respondent, Mr Rasool. They had sought instructions from Mr Rasool but there had been no response and that the firm was

no longer acting for him. Spencer West stated that they had copied the correspondence to Mr Rasool. The Tribunal has also served the application form, Directions and the details of the hearing arrangements directly on all the Respondents. As there had been no engagement by any of the Respondents a further letter was sent on 5 May 2021 directing the Respondents to contact the Tribunal immediately if they wished to participate in this case.

35. Following both the adjournments, the Tribunal wrote to the four Respondents and provided details of the subsequent hearing dates. To date that has been no engagement from three of the four Respondents, namely Mr Talal Faiez Fahad Sagor Alenezi, Mr Daya Ahmed Dayaaldeen and Ms Henaa Mohamed Rashid.
36. The evidence and submissions from Mr Rasool at the August 2021 hearing were both confusing and at times contradictory. The Tribunal sets out below the main points of his arguments and to some extent in the same order as presented by Mr Rasool.
37. Mr Rasool opposes the Banning Order as he said that Camden had not engaged with him about any of the breaches and he was unable to address the issues. He would like an opportunity to resolve any of the problems. The freeholder of 36, Pandora Road, Venetian Star Limited [A191] (VSL) is incorporated in the BVI and instructed 'them' to act as agents and rent out the units. Mr Rasool confirmed that he instructed Spencer West but then the Covid-19 pandemic arose. He claimed that Spencer West had not forwarded documents to him and he did not have a copy of the bundle. He claimed that he is only now aware of the application. He considered that he had done nothing wrong. In the hearing he clearly read from a letter dated July 2012 in which Camden indicated that there were no problems with the property. He stated that a Banning Order would impact on his livelihood, he is only 29 years old and there would be consequences about future employers. He rents to charities and to individuals including foreign royals coming to the UK for medical treatment. It will be difficult to remove tenants from the properties to ensure compliance with any order. 36 Pandora Road is now managed by a company called Abacus and he is not responsible for the property. He explained that he owns 11 companies and one of his companies, Blackstone Vertu Limited employs Joseph Tovens to oversee problems with enforcement and HMO issues. He stated that the portfolio involved approximately 120 apartments in the Westminster, Kensington & Chelsea and Camden areas. He had 15 employees over the eleven companies. In respect of other cases involving his companies he had not been informed of any proceedings. He claims to suffer from dyslexia and requires others to help him read and write.
38. In particular he accepts that he is a director of Knightsbridge Properties Limited (KPL) but denies being a director of Knightsbridge Properties London Limited (KPLL). He claims that the name on the Companies House register, written as RASOOL Mohamed with the date of birth of January 1992 and appointed in August 2018 is not him (this is the additional page submitted by the Applicant in the June hearing). He kept referring to that person as Mr Mohamed. However, when it was pointed out that it is standard practice to record a surname first on the register, he seemed to change his stance. He acknowledged that his date of birth was the same

as on the register and that his full name was Mr Mohamed Ali Abbas Rasool but that the entry on the register related to the brother of the elderly Mr Abbas Rasool. He claimed that the father of Mr Abbas Rasool had remarried and the brother was from the second marriage. However, Mr Rasool seemed to give contradictory evidence about whether or not Mr Abbas Rasool and Ms Rashid were his parents, saying in the current hearing that his parents had died when he was young. It was put to Mr Rasool that he was a director of KPLL on 23 January 2019, to which he disagreed.

39. Mr Rasool suggested that an adjournment would give him an opportunity to produce statements from neighbours indicating that there were no problems and that he had a portfolio of properties in Kensington and he had addressed the outstanding problems. Despite having the decision of the Tribunal to refuse his request for an adjournment, Mr Rasool asked the Applicant directly. Mr Evans confirmed that the Applicant wanted to proceed with the case.
40. Responding to Mr Evans' questions, Mr Rasool provided a list of his eleven companies, using his mobile phone to access the details. He confirmed that he was a director in each company and that all the companies were registered at the same address, 39 Beauchamp Place. He also confirmed that to be his home address. Mr Evans asked about Mr Rasool's links to 29 Beauchamp Place and overall he seemed evasive and seemed to deny any involvement with that address and then clearly stated that he had never used 29 Beauchamp Place as an address and that he always used 39 Beauchamp Place. He denied receiving a copy of the Notice of Intention **[A77]**. But when referred to the letter from Spencer West dated 24 December 2019 **[A171]** that indicated that Mr Rasool had received the letter at 29 Beauchamp Place, Mr Rasool suggested he had not received the bundle and made reference to an individual at Camden called Rob and how information was supplied from him. Mr Rasool then seemed to confirm that he had received the Notice of Intent. Mr Rasool stated that he was not a director of KPLL but acknowledged he is a director of Blackstone Vertu Limited that was incorporated on 15 August 2019 **[A428]**. He explained his link to 36 Pandora Road as renting a flat in the building for another of his companies, Hoxbridge Limited. Mr Rasool was referred to a Notice of Intended proceedings for a RRO served on KPLL **[A400]** and that it related to several units, namely 2, 3, 4, 6, 7, 8, 9, 12 and 15 **[A405]**. Mr Rasool suggested that although KPLL was not his company, that in relation to the Rent Repayment Order that had been made against the company, the tenants had been paid the Housing Benefit and that he informed Camden that they were not in occupation. Mr Rasool accepted that KPLL was receiving rents at least in respect of flat 12. It was put to him that the conviction shown as Mr Mohamed Rasool of KPLL **[A89]** was him. In response to why the conviction had not been appealed he stated the first time he had seen the conviction was when he read the papers at lunchtime. When asking about several inconsistencies such as Covid-19 having an impact on responding to the Notice of Intent, when the time scale for representations was January 2020 and why he had not fully explained his current explanation when Andrew Gilbert was instructed or when the Notice of Intent was served, Mr Rasool responded that he found it hard to read and understand issues.

41. In the written closing submissions on behalf of Mr Rasool, it was put, that according to Mr Arnold's witness statement [150] the Notice of Intended Proceedings for Mr Rasool was served by first class post at 29 Beauchamp Place. It is Mr Rasool's position that he never resided at the property, that there is no evidence that he resided there and no evidence that the Notice was passed onto him. Mr Rasool denies receipt of the Notice and that he passed the Notice onto Spencer West. It is suggested that a possible explanation is that one of the other Respondents passed the Notice onto Spencer West. It was also stated that Mr Rasool was informed of the first hearing, a day beforehand by Mr Alenezi and that Mr Rasool had not had a copy of the bundle so that the hearing was adjourned and there was no certificate or proof of service.
42. It is further stated that Rasool is not the same person identified in the memorandum of entry [A89] in relation to KPLL and that person is Mohamed Rasool. Mr Rasool did not attend the Magistrates Court hearing, and he did not have any involvement with the property at the time and that he did not pay the fine. In relation to KPLL, Mr Rasool was not the director of the company at the time of the offence on 23 January 2019 or the conviction on 4 July 2019. He was only a director between 14 August to 10 September 2018 and chose not to be involved in the management of that company. As such he was not in a position of statutory accessory liability.
43. Mr Rasool denies he was ever a residential landlord or property agent in respect of 36 Pandora Road. His position is that he never entered the property or received rent and that the management was undertaken by Craig Norman of Abacus Estates on behalf of Venetian Star Limited. As there is nothing to link him to the management of 36 Pandora Road it would be perverse to treat him as a residential landlord or property agent.
44. In considering the impact of a Banning Order on Mr Rasool it is stated that he would be deprived from his ability to manage an existing portfolio which is not subject to these proceedings. His current business involves providing accommodation to high net worth individuals from the Middle East. In conclusion it is stated that given his lack of direct engagement with the 36 Pandora Road, the deprivation to derive income from his current businesses would be draconian and excessive.

Applicant's case:

45. The Applicant called Mr Hyseni and Mr Arnold, both employed by the London Borough of Camden to give evidence.
46. Mr Hyseni is an Environmental Health Officer employed since 2006. Mr Hyseni has provided two witness statements and gave oral evidence. He explained that his involvement with 36 Pandora Road started in 2017. Following inspections, suspended Prohibition Orders (POs) were served in relation to Flats 1-4, 6-7, 9-12 and 14-16 due to Category 1 and Category 2 hazards. The POs were suspended until the units were vacated. However, following Council Tax searches it was apparent that the occupation of the units had changed and therefore there was a breach of the POs.

47. GPILL were stated to be the managing agent. The property was poorly managed and three Civil Penalty Notices (CPNs) were issued against GPILL in November 2017 **[P195, 207 and 219]**. It is acknowledged that there was a reactive response following the service of the Notices of Intentions of the CPNs but there was a further decline and the CPNs had not been paid.
48. Mr Hyseni provided a description of 36 Pandora Road and explained that the property is a three-storey building that originally had 6/7 rooms and two bathrooms but was converted illegally to provide 16 self-contained units of between 8 m² to 11 m² **[A174]**. He had inspected the property on 3 October 2018 and 23 January 2019. These inspections revealed a defective fire alarm control panel. It was submitted that a defective fire alarm system could cause harm to the occupiers. Although he had tried to engage with VSL and the managing agents GPILL and KPLL after the October inspection, there had been no response. On the second inspection it was noted that syphoning work had compromised the fire resistance between the communal areas and the adjacent accommodation in Flat 3 **[P231]**. The fire alarm was still noted to be defective and the smoke detector in Flat 8 was disabled and had not been maintained. It is stated that KPLL and BHL failed to comply with the management of Homes in Multiple Occupation (England) Regulations 2017. In a follow up inspection on 29 March 2021 it was observed that the premises still had a faulty and inoperative fire alarm system there were leaks to a couple of the flats and problems with heating. It was stated that almost all the POs had been breached with 8 of the 13 rooms that had been served with POs had been re-let to new occupiers. Overall, there was poor management of the property **[A436]**.
49. The tenancy documents of Flat 2 **[P265 -271]** shows BHL as the Property Manager and the company signed the tenancy agreement as either the landlord or the agent. The tenancy commenced on 8 December 2018 after the suspended POs had been issued. The suspended POs were served on 28 November 2017 **[P283]**. Included at P302 are the payment details for the rent of Flat 6 to a bank account showing 'Knightsbridge Proper' and the account number is 28250494. At P303 and P304 the tenancy agreement is signed by BHL as landlord/agent and identifies BHL as landlord/agent. At P305 there is a schedule of rental payments from the tenant and that schedule is headed up as KPLL. The tenancy agreement shown again at **P444** states the Licensor to be BHL but shows the KPLL company number (10706707) as shown in the Companies House entry at **P443**. This is replicated in respect of Flat 13 where the licensor is identified as BHL but uses the KPLL company number **[P455]** but shows the bank payment details as KPLL **[P456]**. Mr Hyseni stated that BHL, GPILL and KPLL were also convicted and the companies and their directors were fined a total of £130,000 of which £105,000 related to Banning Order offences **[A433]**.
50. Mr Hyseni confirmed that at an early stage he had met Mr Abbas Rasool who is an elderly gentleman and his nephew Mr Noah Elmassousi. There were several companies involved with 36 Pandora Road that granted tenancies and were involved with the management. It is claimed that the companies have the same address.

51. An inspection took place on 21 November 2019 in connection with an Interim Management order (IMO) and Mr Hyseni and Mr Arnold met Mr James Altman of Abacus Estate Agent (Abacus). There had been no notice of the inspection and access was given by a tenant. The inspection was arranged as there were concerns about a number of breaches of the Housing Act legislation. It was explained to them that Abacus had been appointed by VSL. As Abacus were regarded as a reputable agent and a fit and proper person, an HMO Licence was issued on 19 February 2020 with Abacus as the Licence holder but subject to various conditions **[P339]**. In subsequent conversations it is stated that Abacus had concerns about the co-operation from the owner, including transferring keys and relevant documentation. In relation to a complaint made by Mr Kol about Cadogan Assets Limited (Cadogan), Mr Hyseni was unable to confirm the individual. However, the issue seemed to suggest that VSL had appointed another agent rather than Abacus to manage the property. The email from Mr Kol **[P337]** suggests that he was instructed by Abacus to pay the rent to Cadogan. Asked about his relationship with Abacus, Mr Hyseni stated that the company had contacted him and because VSL was based abroad it had instructed Abacus as its agent in 2019. He explained that he had dealt with Abacus beforehand.
52. In response to questions, Mr Hyseni stated that one tenant Mrs Kezim, had complained about the behaviour of her landlord and in particular to aspects of harassment and she referred to two people called Mohammad Ali as being her landlord **[P363-P367]**. Mr Hyseni had tried the mobile number provided for the landlord, but there had been no response. He had not been involved with any police investigations and he was aware that Mrs Kezim had no tenancy agreement. Following the harassment allegations from Mrs Kezim, Mr Hyseni had contacted Mr Altman about an update.
53. There were breaches in respect of POs, but VSL was not fined as it was based abroad. Mr Hyseni stated that his involvement with Blackstone Vertu was not until January 2021. There was no evidence of proof of payment, but one tenant Mr Abdullah Gawaan made a statement on 29 March 2021 stating that he occupied his room (Room 1) from January 2021 and the rent for his room of £950 per month, was paid to Mr Mohamed of Blackstone Vertu Limited **[A482]**. Mr Hyseni had written to VSL and Abacus about this issue but had had no response from Abacus. He confirmed that on the key date 23 January 2019, the date of the offence, that Abacus was not the agent. In relation to the offences, Mr Hyseni had written to VSL, KPLL and GPILL after the first inspection which occurred on 4 October 2018.
54. In the second witness statement of Mr Hyseni, there are details of BHL and Blackstone Vertu Limited still active in the management of 36 Pandora road by the offering of new tenancies on 8 March 2021 and 3 September 2020 **[A493 and A496]**.
55. The Tribunal heard evidence from Mr Vincent Arnold, who is the Operations Manager at the London Borough of Camden. He explained that Mr Hyseni was the

case officer dealing with 36 Pandora Road and that Mr Hyseni reported to him. The Tribunal has two witness statements from Mr Arnold. In his first statement Mr Arnold explained that the local additional HMO licensing scheme came into force on 9 December 2015, this scheme required all HMOs in Camden to be licensed. The property came to the attention of the Applicant as an unlicensed HMO and that the four Respondents and the companies GPILL, KPLL and BHL were involved with the property.

56. Mr Arnold stated that Notices were served on all four Respondents under section 19 of the HPA 2016, seeking specified information **[P162-168]**. However, none of the Respondents had complied with the Notices. The Notices of Intent to apply for a Banning Order, were served by first class post on 19 November 2019. On 24 November 2019 there was correspondence from Spencer West in relation to the Notice of Intent and Camden responded to this on 30 December 2019 **[P170-171]**. The intention is to add the Respondents to the MHCLG Rogue Landlord Database once the Banning Orders are made, but they have already been placed on the Mayor of London and the Greater London Authority's Rogue Landlord Checker. Following contact with neighbouring boroughs, there is no indication that the Respondents are property owners, HMO licence holders or HMO licence managers in neighbouring areas. However, there are ongoing investigations by Westminster City Council about the Respondents and associated companies.
57. A Banning Order was sought against the Respondents individually as they had been convicted of a Banning Order offences committed in 2019 and no Banning Order was sought against KPLL or the other companies as they could easily be dissolved and bypass any restrictions imposed by a Banning Order. He acknowledged that the Company House entry showed that Mr Mohamed Rasool had resigned as a director of KPLL a few days before the offence in January 2019, but that entry was made on 20 November 2019. He believed that at the date of the offence, Mr Rasool was a director of KPLL.
58. Mr Vincent had attended an inspection of the property but had not met Mr Abbas Rasool. Mr Arnold stated that he had attended 29 Beauchamp Place to serve the Notice of Intended proceedings. Responding to the suggestion that the Applicant may have got the wrong Respondents given their lack of engagement, Mr Arnold stated that it was the usual practice in these cases that rogue landlords do not participate in proceedings.
59. Considering the future, Mr Arnold stated that an Interim Management Order has been difficult to instigate because of Covid-19 and would need a lead in time of about four months. An exception that allows the Respondents to manage down their affairs over four months would ensure that there was not a surge of evictions. When questioned by the Tribunal whether given the current arrangements on possession proceedings, whether four months was sufficient, Mr Arnold accepted that a six-month delay to the Banning Order would be more appropriate. Camden are proposing to support the tenants at 36, Pandora Road with an Interim Management

Order [A374]. In addition, Camden would provide support through housing needs and tenancy relations officers.

60. In the second witness statement from Mr Arnold, additional documents were provided, and these included an AST for Flat 12, 36 Pandora Road, dated 1 June 2017. This agreement identified KPLL as a party to the agreement as 'the Management' and signed by KPLL as Landlord/and/or Agent [P416-418]. Another AST for Flat 1 dated 22 February 2016 shows the Landlord/Agent as GPILL [P420-425]. A section 21 Notice Requiring Possession was served by GPILL as landlord, in relation to Flat 1 on 22 July 2016 [P426]. The Tribunal has been provided with a copy of a Tribunal Decision under reference LON/00AG/HSK/2019/0002 dated 28 August 2019 [P408]. This is a decision for a Rent Repayment Order made against KPLL for £76,893.89 and GPILL for £37,386.89 in relation to universal credit paid in respect of 36 Pandora Road.
61. The Companies House entry for Blackstone Vertu Limited (12158809) show Mr Mohamed Ali Abbas Rasool as Director, appointed on 15 August 2019 and a correspondence address of 34, Beauchamp Place. The date of birth of Mr Rasool is shown as January 1992 [P429].
62. At P430 there is an Anti-Social Behaviour Injunction made against Blackstone Vertu Limited and Mr Rasool dated 14 May 2021 in relation to a zone in the Kilburn High Road area.
63. Mr Arnold accepted that a six month period rather than a four month period delay to the start of the Banning Order to allow for the Respondents to terminate any occupational/residential agreements was acceptable..
64. It was the Applicant's position in written closing submissions that there was no evidence from Mr Rasool about any rentals to charities, nor details about the effect on him and any companies he is involved with nor any employees. That the Banning Orders would be beneficial to tenants insofar as they are experiencing harassment and poor housing conditions. In respect of the terms of the Orders, the Applicant indicated that immediate Banning Orders, but with an exception to allow a suitable period for the Respondents to wind down their current businesses and tenancy, were acceptable.

Discussion and Determination:

65. One issue raised by Mr Rasool was his capacity to participate in the case due to his dyslexia. Although no specific evidence was produced about this, the Tribunal noted that Mr Rasool seemed very capable of reading, processing and understanding the documents in the bundle at speed and was easily able to use the documents to ask questions of the Applicant's witnesses. Mr Rasool was actively engaged in the hearing.

66. We recognize the problems that a Local Authority may have in trying to identify the individuals and companies involved in an operation such as occurred at 36 Pandora Road. It is clear from the documentation that there is a connection and an interchange between the KPLL, GPILL and BHL.
67. Before a Tribunal makes a Banning Order, it must be satisfied that a number of conditions have been met. Those conditions are:
- a. that the Respondent has been convicted of a banning order offence;
 - b. that the Respondent is a 'residential landlord' or a 'property agent' at the time the offence was committed; and
 - c. that the Local Housing Authority has complied with Section 15 of 2016 Act, this required:
 - i. give the Respondent a notice of intended proceedings that the LHA proposes to apply for a banning Order and the reasons why;
 - ii. inform the Respondent of the proposed length of the proposed ban;
 - iii. invite the Respondent to make representations within a period, being not less than 28 days;
 - iv. the LHA to consider any representations made under iii above;
 - v. the LHA to wait until the period detailed in iii before applying for a Banning Order and
 - vi. that the notice of intended proceedings under i, may not be given after the end of six months beginning with the day on which the Respondent was convicted of the offence to which the notice applies.
68. Mr Alenezi was stated to be a director of GPILL. At **A442** the Companies House extract for GPILL (09218810) shows Mr Alenezi as a director and his correspondence address as 1 Picton Place, London, W1U 1BP. At **A499** the company was dissolved on 17 November 2020. By this and with the memorandum of conviction at **A85**, we are satisfied that on 4 July 2019, Mr Alenezi was convicted of a Banning Order offence that took place on 23 January 2019.
69. Mr Dayaaldeen was stated to be a director of BHL. At **A440-441** the Companies House extract for BHL (08710170) shows Mr Dayaaldeen as a director and his correspondence address as Flat 11, Eaton House, 38-40 Upper Grosvenor Street, London, W1K 2NG and the registered office of BHL as 142, Cromwell Road, London, SW7 4EF. At **A498** the company was dissolved on 21 January 2020. By this and with the memorandum of conviction at **A91**, we are satisfied that on 4 July 2019, Mr Dayaaldeen was convicted of Banning Order offences, that took place on 23 January 2019.
70. In respect of Mr Rasool, we need to determine whether he was a director of KPLL at the time of the relevant offence. We are not persuaded by Mr Rasool's submissions that the Mr Rasool shown on the Companies House extract for KPLL (10706707) (the additional page provided with the original bundle) was not him. His evidence was contradictory, and his position changed when it was put to him that the name on the extract was not Mr Rasool Mohamed but Mr Mohamed Rasool. We did not find him credible when he eventually stated that the Mr Mohamed Rasool and himself, having

the same month and year of birth, were not the same person and that the name on the register was that of his uncle. In the written closing submissions, it was acknowledged that Mr Rasool was a director of KPLL from 14 August to 10 September 2018. However, we find that the service of a notice to Companies House removing a director and showing a specific date is not evidence that an individual was removed on a specific date. It would appear that any date can be inserted, and we have no other evidence to show that Mr Rasool resigned as a director before 4 July 2019. We find that Mr Rasool was a director of KPLL on the relevant date of 4 July 2019 and that with the memorandum of conviction at **A89**, we are satisfied that on 4 July 2019, Mr Rasool was convicted of a Banning Order offence that took place on 23 January 2019.

71. Ms Rashid was stated to be a director of KPLL. The single page Companies House extract for KPLL (10706707) and provided at the first hearing, shows Ms Rashid as a director and her correspondence address as 60 Duke Street, London, W1K 6JR. By this and with the memorandum of conviction at **A87**, we are satisfied that on 4 July 2019, Ms Rashid was convicted of a Banning Order offence, that took place on 23 January 2019.
72. By section 251 of the 2004 Act, where an offence is committed by a body corporate by the consent or connivance of or attributable to any neglect on the part of a directors, then that person will be liable to be proceeded against. In the memorandum of convictions, the four Respondents were found guilty in their capacity as directors of the various companies.
73. It is clear that the BHL, GPILL and KPLL offered tenancy agreements, accepted payment of rent and managed 36 Pandora Road by communicating/interacting with the occupiers. We are satisfied that each of the three companies were property agents dealing with residential premises at the time that the offences were committed and as such all four Respondents as directors of the three companies were property agents. It is clear that 36 Pandora Road, the subject of the offences, provided residential accommodation. However, we also note that by section 16(2) of the 2016 Act, a Tribunal may make an order against an officer of a body corporate even if the person was not a residential landlord nor a property agent at the time the offence were committed.
74. The final pre-condition was whether the Applicant had complied with section 15 of the 2016 Act. As set out in paragraph 8 above, Camden served Notices of Intent on all four respondents on 22 November 2019, this being within six months from the date of conviction on 4 July 2019. The notices are in the bundle as follows: Mr Alenezi **[A63]**, Mr Dayaaldeen **[A71]**, Mr Rasool **[A79]** and Ms Rashid **[A55]**. The notices served on all Respondents were served at the correspondence addresses provided in the Companies House extracts, with a copy of each notice to an address at 4, Manor House Drive. Mr Rasool denies receiving the notice. However, we are not persuaded by this statement. There have been many times in the proceedings where Mr Rasool has denied receiving documents such as the bundle, when it was clearly handed to him at an earlier hearing. We also have considered the correspondence from Spencer

West dated 24 December 2019 stating that their client was Mohamed Ali Abbas Rasool and that they had been passed a copy of the Notice of Intent together with a copy of the covering letter addressed to their client at 29 Beauchamp Place, SW3 1NJ [A171]. We do not accept Mr Rasool's assertion that the Notice of Intent may have been sent to Spencer West by another of the Respondents. We find that all four Respondents have been served with the relevant Notice of Intent. No submissions were made on this point, but we also find that each notice set out the reasons why the Applicant was proposing to apply for a Banning Order, it included the length of the proposed ban and invited the Respondents to make representations within 28 days beginning with the day after which the notice was given. This period was further extended following the request from Spencer West to 17 January 2020. As the period for making representations was until 17 January 2020 and the applications were dated 21 February 2020 and received on 26 February 2020, the condition in paragraph 64 c. v. above, is satisfied. There were no representations from the Respondents to the Notices of Intent, for the Applicant to consider.

75. The Tribunal it is satisfied that all the pre-conditions listed in paragraph 64 have been met.
76. S16(4) sets out the factors which we **must** take into account, but we do not consider this is an exclusive list and we consider that the Tribunal may take other factors into account. The MHCLG Guidance is not binding but the Tribunal may take the Guidance into account and indeed the Tribunal attaches significant weight to its contents. 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”*.
77. Paragraph 3.3 of the Guidance addresses the factors that a LHA should consider when deciding whether to apply for a Banning Order, and when deciding on the proposed duration of any order. The statutory requirements in s.16(4) are listed and in relation to section 16(4)(d) when considering the likely effect of an Order on the person who is to be the subject of the order, and anyone else that may be affected by it, regard should 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.
78. Under 16(4)(a) the seriousness of the offence of which the person has been convicted must be considered. In respect of Mr Alenezi there is one Banning Order offence. Given the nature of the offence, of having control of an unlicensed House in Multiple Occupation and the level of the fine, we consider this to be a significant factor. For

Mr Dayaaldeen there are two Banning Order offences which are the having control of an unlicensed House in Multiple Occupation and the breach in relation to the prohibition Order. The fine for the two offences of £20,000. We consider that the nature of the offences and the level of the fines are significant factors. Mr Rasool was convicted of one Banning Order offence of having control of an unlicensed House in Multiple Occupation and was fined £15,000, we find that these are significant factors. Finally, in respect of Ms Rashid, she has been convicted the offence of having control of an unlicensed House in Multiple Occupation and was fined £15,000 for this offence and we consider this to be a significant factor. We also accept the evidence of Mr Hyseni that note the three companies were also convicted and fined a total of £130,000 of which £95,000 related to Banning Order offences **[A433]**. We are satisfied that the seriousness of the offences is sufficient for the making of the Banning Orders.

79. It is accepted that sections 16(4)(b) and (c) do not apply, as there were no previous convictions and prior to the current events there are no entries on the Rogue Landlord's database.
80. By section 16(4)(d) we must consider the impact of any Banning Order on the Respondents and upon anyone else who may be affected by the Order. We accept the evidence of Mr Hyseni that during inspections he observed a defective fire alarm control panel that had not been subsequently addressed, that there were works that compromised the fire resistance between the communal areas and the adjacent accommodation and a defective fire alarm and disabled smoke detector. We also note that in breach of some of the Prohibition Orders, some units were re-occupied. We also note the claims of harassment at 36 Pandora Road. We also note the evidence that an Anti-Social Behaviour Injunction was made against Blackstone Vertu Limited, a company of which Mr Rasool is a director. All these issues suggests that occupiers of 36 Pandora Road and other potential residential occupiers of the three companies and the four Respondents could be placed at continuing harm should they be allowed to continue involvement with property management. We also note the steps that Camden are proposing to support the occupiers at 36, Pandora Road.
81. In taking into account the impact that the Banning Order may have upon the Respondents, we had no submissions from three of the Respondents. Mr Rasool indicated that a Banning order would have an adverse impact as it would deprive him of his ability to manage an existing portfolio, which is not subject to the present proceedings and that to deprive him of an income stream would be draconian and excessive. The Tribunal recognises that the making of an order would obviously have an adverse effect upon Mr Rasool. The extent of that adverse impact would depend upon the duration and the extent of any ban imposed. However, provided the terms of the order are proportionate, the fact that it would necessarily deprive Mr Rasool of a source of income is not a reason why a Banning Order should not be made. Indeed, the fact that a Banning Order will have both a punitive and a deterrent effect is an important policy consideration underpinning the legislation.

82. We additionally note that Mr Dayaaldeen, Mr Rasool and Ms Rashid had also been convicted of non-Banning Order Offences, namely failure to comply with a notice under section 16 of the Local Government (miscellaneous Provisions) Act 1976 and each fined £5,000 [**A91 A89 and A87**]. There has been no evidence of contrition. Three of the four Respondents have not engaged with this case and we consider that Mr Rasool has not shown any signs of contrition but continues to deny any involvement.
83. The potential deterrent and punishment effect on the Respondents and the deterrent effect on other landlords/agents are factors that should be considered. We do not consider that the Tribunal is limited to the factors set out in the 2016 Act and may consider other aspects that are relevant to the property or the conduct of the Respondents. In that regard we note from Mr Hyseni's evidence that 36 Pandora Road was illegally converted, that BHL and Blackstone Vertu, a company of which Mr Rasool is a director, remain active in letting rooms at the property in 2020 and 2021 and that there have been several breaches of the POs and the property is in poor condition including factors that may comprise the health and safety of occupiers in the property. We note that GPILL had been served CPNs that remained unpaid and that the tribunal made a Rent Repayment Orders against GPILL and KPLL.
84. We acknowledge that Banning Orders should be reserved for the most serious offenders but overall, we are in no doubt that these are such cases and as such we make Banning Orders in respect of the four Respondents.
85. The Tribunal now goes onto determine the terms in which a Banning Order should be made. It is, of course, appropriate also to have regard to the proposals set out in the notice of intent served by Camden, but the Tribunal is not constrained by those proposals. Camden seek to ban the Respondents from residential letting, letting agency work and property management work. In consideration of all the circumstances of this case, we agree with the Applicant's position that Mr Alenezi, Mr Dayaaldeen, Mr Rasool and Ms Rashid should be banned from doing all three things.
86. As to the length of the order we note that the minimum period is 12 months but there is no upper limit. There may be circumstances when the relevant behaviour is so extreme that it would merit a significantly long or permanent ban on the activities. In this case Camden has proposed a ban for five years.
87. The proposal of five years needs to be measured against a scale of a minimum period of 12 months and a lifetime ban. In these cases given the nature of the offences, the management at 36 Pandora Road, the opaque relationship between the three companies and the four Respondents and the lack of contrition and the failure to engage with the Local Housing Authority and this process we consider that a period of five years is sufficient to ensure that the Banning Orders will have the appropriate punitive effect on the Respondents. It is also important that the Orders have a real deterrent effect, both on the Respondents and on other landlords.

88. We note that the Applicant accepts that there needs to be a period of time before these Orders come into operation. A period to allow the Respondents to take the proper steps to conclude their housing management business and make appropriate arrangements is desirable. We consider that the period of four months suggested by Camden is too short, especially given the current circumstances. Therefore, we consider a period of six months before the Banning Orders come into operation is more suitable.

89. In conclusion, the Tribunal makes a Banning Order for a period of five years for all four Banning Orders, from the date set out in the Orders. The Banning Orders are attached to these reasons.

Tribunal Chair: Ms H C Bowers

Date: 17 January 2022



**First-tier Tribunal
(Property Chamber)
Residential Property**

Tribunal Reference: LON/00AG/HBA/2020/0001

Applicant: London Borough of Camden

Respondent: Mr Talal Faliez Fahad Sagor Alenezi

**BANNING ORDER
(Section 16 of the Housing and Planning Act 2016)**

By this Order, **TALAL FALIEZ FAHAD SAGOR ALENEZI** of 1, Picton Place, London, W1U 1BP IS BANNED from:

1. Letting housing in England;
2. Engaging in English letting agency work;

3. Engaging in English property management work; or
4. Doing two or more of those things.

Mr Alenezi **IS ALSO BANNED** from being involved in any body corporate that carries out any of the above activities. He may not act as an officer of such a body corporate or directly or indirectly take part in, or be concerned in, its management.

These bans take effect six months from the date of this Banning Order, namely they will last for a period of **FIVE YEARS** from 17 July 2022.

Signed: H C Bowers
Chair of the First-tier Tribunal
Date: 17 January 2022

NOTES:

1. **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 to 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.**
2. 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 (see section 27 of the Housing and Planning Act 2016)
3. A breach of a banning order does not affect the validity or enforceability of any provision of a tenancy or other contract.
4. A person against whom a banning order is made may apply to the Tribunal for an order under section 20 of the Housing and Planning Act 2016 revoking or varying the order.
5. The expressions “English letting agency work” and “English property management work” have the meanings given to them by sections 54 and 55 of the Housing and Planning Act 2016 respectively.
6. The reasons for making this banning order are set out in a decision issued separately by the Tribunal.



**First-tier Tribunal
(Property Chamber)
Residential Property**

Tribunal Reference: LON/00AG/HBA/2020/0002

Applicant: London Borough of Camden

Respondent: Mr Daya Ahmed Dayaaldeen

**BANNING ORDER
(Section 16 of the Housing and Planning Act 2016)**

By this Order, **DAYA AHMED DAYAALDEEN** of Flat 11, Eaton House, 39-40 Upper Grosvenor Street, London, W1K 2NG IS BANNED from:

5. Letting housing in England;
6. Engaging in English letting agency work;
7. Engaging in English property management work; or

8. Doing two or more of those things.

Mr Dayaaldeen **IS ALSO BANNED** from being involved in any body corporate that carries out any of the above activities. He may not act as an officer of such a body corporate or directly or indirectly take part in, or be concerned in, its management.

These bans take effect six months from the date of this Banning Order, namely they will last for a period of **FIVE YEARS** from 17 July 2022.

Signed: H C Bowers
Chair of the First-tier Tribunal
Date: 17 January 2022

NOTES:

1. **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 to 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.**
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4. A person against whom a banning order is made may apply to the Tribunal for an order under section 20 of the Housing and Planning Act 2016 revoking or varying the order.
5. The expressions “English letting agency work” and “English property management work” have the meanings given to them by sections 54 and 55 of the Housing and Planning Act 2016 respectively.
6. The reasons for making this banning order are set out in a decision issued separately by the Tribunal.



**First-tier Tribunal
(Property Chamber)
Residential Property**

Tribunal Reference: LON/00AG/HBA/2020/0003

Applicant: London Borough of Camden

Respondent: Mr Mohamed Ali Abbas Rasool

**BANNING ORDER
(Section 16 of the Housing and Planning Act 2016)**

By this Order, **MOHAMED ALI ABBAS RASOOL** of 55, Park Mansions, London, SW1X 7QT IS BANNED from:

9. Letting housing in England;
10. Engaging in English letting agency work;
11. Engaging in English property management work; or
12. Doing two or more of those things.

Mr Rasool **IS ALSO BANNED** from being involved in any body corporate that carries out any of the above activities. He may not act as an officer of such a body corporate or directly or indirectly take part in, or be concerned in, its management.

These bans take effect six months from the date of this Banning Order, namely they will last for a period of **FIVE YEARS** from 17 July 2022.

Signed: H C Bowers
Chair of the First-tier Tribunal
Date: 17 January 2022

NOTES:

- 1. 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 to 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.**
2. 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 (see section 27 of the Housing and Planning Act 2016)
3. A breach of a banning order does not affect the validity or enforceability of any provision of a tenancy or other contract.
4. A person against whom a banning order is made may apply to the Tribunal for an order under section 20 of the Housing and Planning Act 2016 revoking or varying the order.
5. The expressions “English letting agency work” and “English property management work” have the meanings given to them by sections 54 and 55 of the Housing and Planning Act 2016 respectively.
6. The reasons for making this banning order are set out in a decision issued separately by the Tribunal.



**First-tier Tribunal
(Property Chamber)
Residential Property**

Tribunal Reference: LON/00AG/HBA/2020/0004

Applicant: London Borough of Camden

Respondent: Ms Hena Mohamed Rashid

**BANNING ORDER
(Section 16 of the Housing and Planning Act 2016)**

By this Order, HENAA MOHAMED RASHID of 60, Duke Street, London, W1K 6JR IS BANNED from:

13. Letting housing in England;
14. Engaging in English letting agency work;
15. Engaging in English property management work; or
16. Doing two or more of those things.

Ms Rashid **IS ALSO BANNED** from being involved in any body corporate that carries out any of the above activities. She may not act as an officer of such a body corporate or directly or indirectly take part in, or be concerned in, its management.

These bans take effect six months from the date of this Banning Order, namely they will last for a period of **FIVE YEARS** from 17 July 2022.

Signed: H C Bowers
Chair of the First-tier Tribunal
Date: 17 January 2022

NOTES:

1. **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 to 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.**
2. 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 (see section 27 of the Housing and Planning Act 2016)
3. A breach of a banning order does not affect the validity or enforceability of any provision of a tenancy or other contract.
4. A person against whom a banning order is made may apply to the Tribunal for an order under section 20 of the Housing and Planning Act 2016 revoking or varying the order.
5. The expressions “English letting agency work” and “English property management work” have the meanings given to them by sections 54 and 55 of the Housing and Planning Act 2016 respectively.
6. The reasons for making this banning order are set out in a decision issued separately by the Tribunal.

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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).

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SCHEDULE 1

Statutory Provisions

Housing and Planning Act 2016

Chapter 2 – Banning Orders

Banning Orders: key definitions

14. “Banning Order” and “Banning Order offence”

- (1) In this Part “Banning Order” means an order, made by the First-tier Tribunal, banning a person 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.
- (2)
- (3) In this Part “Banning Order offence” means an offence of a description specified in regulations made by the Secretary of State.
- (4)

Imposition of Banning Orders

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)
- (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.

16. Making a Banning Order

- (1) The First-tier Tribunal may make a Banning Order against a person who-
 - (a) has been convicted of a Banning Order offence, and
 - (b) was a residential landlord or a property agent at the time the offence was committed (but see subsection (3)).

- (2) A Banning Order may only be made on an application by a local housing authority in England that has complied with section 15.
- (3)
- (4) 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.

17. Duration and effect of 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.

18 Content of banning order: involvement in bodies corporate

- (c) (1) 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.
- (d) (2) 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.