



**First-Tier Tribunal
(General Regulatory Chamber)
Professional Regulation**

Appeal reference: PR.2016-0058

Between

Friar Lettings (Holborn) Limited

Appellant

and

Islington Council

Respondent

Decision

Refuse to extend time to admit notice of appeal

Notice of appeal received and explanation

1. The notice of appeal was received on 20 December 2016, 2 months and 20 days outside the 28 day statutory time limit (well over 100% late). I regard that as a very serious breach of the time limit for lodging an appeal with the Tribunal.
2. Part of the explanation is that the Ms Clyne (who owns Friar Lettings (Holborn) Limited) originally asked her accountant to lodge an appeal. The accountant wrote to Islington Council instead of to the Tribunal. In an email to Islington Council sent on 25 October 2016 at 14:07 Ms Clyne says the "appeal details were not clear to our accountant hence the appeal was sent in letter form and addressed to [Islington Council] and sent to [Islington Council's] office" – it is a matter for the accountant to explain why they did not read the information provided on the Final Notice.
3. That accounts for a delay of 25 days; by 25 October Ms Clyne was aware of her accountant's error. The notice of appeal and supporting documents do not address why, once she was aware that the correct body to appeal to was the First-tier Tribunal it took just under 2 months for Ms Clyne to have an appeal lodged on Friar Lettings (Holborn) Limited's behalf particularly when she was able to write to Islington Council on at least two occasions in connection with her intention to appeal.
4. Overall the reasons for the delay are unacceptable.

Strength of grounds of appeal

5. Very strong grounds of appeal may mean that, despite a very serious breach of the time limit, it is in the interests of justice to admit an appeal. Friar Lettings (Holborn) Limited's grounds are not strong.

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6. The requirement to display fees and membership of redress scheme is found in *section 83* of the Consumer Rights Act 2015. That section came into force on 27 May 2015.
7. Whilst Ms Clyne's brother may on the information provided to the Tribunal be blamed for the breach from April 2016, he cannot in fairness be blamed for the failure to display the fees prior to then – that is from late May 2015 – a time when Ms Clyne was running the business.
8. There is no indication that the brother took down something which had previously been displayed; the information I have read suggests that the fees were not published or displayed until after Islington Council had intervened and issued its notice of intent. A penalty of £5,000 for 11 months of failing to display fees and redress scheme details would not be unreasonable.

Effect on Islington Council

9. I take account of the fact that Islington Council has indicated to Ms Clyne they do not object to her appealing out of time.

Decision and reasons

10. There remains however a strong need to enforce compliance with the rules, pursuant to the overriding objective. Friar Lettings (Holborn) Limited does not begin to refute the conclusions reached in the respondent's decision letter.
11. Overall I conclude that it is not appropriate to extend the time limit for appealing. Friar Lettings (Holborn) Limited appeal is dismissed as out of time.

This decision was made by the Tribunal's Registrar. A party is entitled to apply in writing within 14 days of the date of this document for this decision to be considered afresh by a Judge.

Mrs R Worth

Registrar, dated 22 December 2016