

**Y TRIBIWNLYS EIDDO PRESWYL
RESIDENTIAL PROPERTY TRIBUNAL**

**Reference: RPT/0084/01/26, RPT/0085/01/26, RPT/0086/01/26,
RPT/0087/01/26, RPT/0088/01/26, RPT/0089/01/26**

**In the Matter of 86 City Road, 55 Mackintosh Place, 67 Mackintosh Place,
155 Mackintosh Place, 182 Mackintosh Place, 184 Mackintosh Place**

**And in the Matter of Appeals under paragraph 31 of Part 3 of Schedule 5
to the Housing Act 2004**

Applicant: Mr. Assan Khan

Representation: In person

Respondent: Cardiff County Council

Representation: Richard Grigg

Type of Application: Appeals against the granting of HMO Licences

**Tribunal: Colin Green (Chairman)
Hefin Lewis FRICS (Valuer Member)
Carole Thomas (Lay Member)**

Date of hearing: 15 and 16 July 2026

DECISION

(1) The time for service of Corrine Davies' statement of 24 April in respect of the Mackintosh Place properties is extended to 8 July 2026.

(2) In respect of 86 City Road, 55 Mackintosh Place, 67 Mackintosh Place, 155 Mackintosh Place, 182 Mackintosh Place, and 184 Mackintosh Place, the Respondent accepts that the HMO licences are invalid and therefore the Applicant's appeals in respect of such licences are dismissed.

(3) In respect of any application for costs by the Applicant:

a. By 4.00 pm on 3 August 2026, the Applicant shall serve by email on the Respondent and file with the Tribunal written submissions setting out the grounds on which costs are claimed, the amount claimed, and a breakdown of how such costs have been calculated.

b. The Respondent is entitled to serve by email written submissions in reply, and shall file the same with the Tribunal, by 4.00 pm on 17 August 2026.

REASONS FOR DECISION

1. The Applicant, Mr. Assan Khan, has appealed in respect of HMO (Houses in Multiple Occupation) licences granted by the Respondent Council, the local housing authority, in respect of each of the above six properties. Given the nature of the appeals there was no inspection and the hearing took place via Microsoft Teams on 15 and 16 July 2026. The Applicant,

Mr. Khan, appeared in person and the Respondent Council were represented by Richard Grigg, an in-house solicitor.

2. The first issue that had to be addressed was permission to introduce a statement from Corrine Davies, a housing enforcement supervisor with the Council, dated 24 April 2026, which sets out the Council's case in respect of the Mackintosh Place properties. Under the relevant directions, the timetable for serving such a statement expired on 27 April 2026. The statement had been prepared, but in error the statement served in respect of 86 City Road was served in respect of all six properties. The fact that there had been no Mackintosh Place property statement(s) was raised by Mr. Khan in his statement of 4 May 2026, but Mrs. Davies interpreted this as meaning he was unable to open the email attachment, as sometimes occurred. It was only shortly before Mrs. Davies' email to the Tribunal and Mr. Khan of 8 July that she realised that the wrong statement had been served in respect of the Mackintosh Place properties. That email attached for the first time a copy of her statement for those properties of 24 April.
3. The application, therefore, was for an extension of time for service of the statement, where the application was made after the expiry of the relevant date for service. In the Tribunal's view, this is covered by regulation 26(1)(b) of the Residential Property Tribunal Procedures and Fees (Wales) Regulations 2016:

"26.—(1) The tribunal may—

- (a) reduce the time appointed by or under these Regulations for doing any act where all parties agree the reduction in question;*
- (b) extend the time appointed by or under these Regulations for doing any act, even if the time appointed has expired, where—*

- (i) *it would not be reasonable to expect the person in question to comply or have complied within that time; or*
- (ii) *not to extend the time would result in substantial injustice;”*

4. The Tribunal considers that not allowing the extension of time would result in substantial injustice as it would prevent the Council from adducing evidence concerning matters which were fundamental to dealing with the appeals.
5. In case the three-stage test in *Denton v. White* [2014] EWCA Civ 906 also applied, and is not overridden by the above regulations, the Tribunal also considered that test.

(1) identify and assess the seriousness and significance of the non-compliance

It was accepted by Mr. Grigg that the non-compliance was serious

(2) consider why the breach occurred

As set out above, this was due to an administrative error and not intentional. A statement had been prepared in time but was not served due to an oversight.

(3) evaluate all circumstances of the case so the application is dealt with fairly

The prejudice to the Respondent by not allowing the extension of time is addressed above. Mr. Khan claimed that he was prejudiced by the late service of the statement and would not have sufficient time for preparations in response. The Tribunal does not agree. He would have suffered no real prejudice for the following reasons. First, the issues

concerning service of the modification notices are ones he had covered in some detail already in his own statement. Secondly, the format of Mrs. Davies statement in respect of each of the Mackintosh Place properties was almost identical to Mrs. Davies' 86 City Road statement save for different dates for the modification notices in respect of the former properties and when they were posted. Therefore, in order to deal with the case fairly, the extension of time was granted.

6. The Tribunal then went on to consider the substantive issues raised by the appeals. In several respects, the issues advanced by Mr. Khan were identical to those dealt with in the same panel's decision of 20 May 2026 ("the May Decision") to which reference should be made for the relevant statutory provisions.
7. One issue that differed on the facts however, concerned short service. Mr. Khan's case was that the five modification notices in respect of the Mackintosh Place Properties, dated 11 December 2025, and the modification notice in respect of 86 City Road, dated 12 December, had all been posted on 12 December by second-class post, and he had not received them until Friday 19 December. The Council's case was that the Mackintosh Place notices had been posted first-class on 11 December and the notice for 86 City Road posted first-class on 12 December. The Council also contended that the notices had been served on 11 and 12 December by email, but Mr. Grigg accepted that the Council could not rely on service by email in the light of the Tribunal's finding at paragraphs 28 to 34 of the May Decision.
8. Early on the first day, Mr. Grigg also accepted that even if the Council's account of first-class posting on 12 December of the notice for 86 City Road was accepted, since the Council's decision on all six modification notices was made on 22 December, in respect of 86 City Road this will have been before the expiry of the minimum consultation period: 7-days

after service. Therefore, the HMO licence for that property will have been invalid.

9. Concerning the Mackintosh Place properties, the Tribunal heard evidence from Mrs. Davies regarding the procedure for posting first-class by the Shared Regulatory Services department and the post room at County Hall, and evidence from Mr. Khan concerning his claim to have received the notices by second-class post on 19 December and posting his representations into a mailbox at County Hall later that day, but which were stamped as received by the SRC department on 23 December.
10. When the hearing adjourned on the first day, Mr. Khan was asked to carry out a full search for the envelopes in which the notices arrived, and make scanned copies of the same, to corroborate that they were posted second-class as he claimed. Mr. Grigg was asked to investigate whether, in section 7 of the Interpretation Act 1978, the expression, “delivered in the ordinary course of post” included a Saturday as he submitted (it was accepted by all that Sundays were excluded). Mr. Khan contended that Saturdays were also excluded, but he relied on the provisions of the Civil Procedure Rules and authorities concerning those rules. As noted at paragraph 17 of the May Decision, the CPR have no application to service of documents under Schedule 5 to the 2004 Act.
11. When the hearing resumed on the second day, Mr. Grigg informed the Tribunal that his research had established that in respect of first-class post, the presumption under s. 7 of the 1978 Act is that the post will have been delivered on the second day after posting, but this did not include a Saturday. Accordingly, Monday 15 December would be the deemed date of service if the Mackintosh Place notices were posted first-class on 11 December, which would mean that the decisions of 22 December in respect of those properties were made prior to the expiry of the minimum

consultation period and therefore, like the decision in respect of 84 City Road, were invalid.

12. In the light of that concession, it was not necessary for the Tribunal to make any findings as to when the notices were posted and whether first or second-class. Nor was there any need to make findings in respect of any of the other issues which had been raised by Mr. Khan on the appeals though in any event, the Tribunal's findings would have been consistent with its earlier findings on the same points in the May Decision.

Costs

13. Mr. Khan indicated that he might wish to make an application for costs. Directions are made above for the exchange of written submissions and details of any costs claimed. In respect of any such application the Tribunal will determine the issue on paper without the need for a further hearing.

Dated this 20th day of July 2026

Colin Green (Chairman)