



Y Tribiwnlys Eiddo Preswyl
Residential Property Tribunal

RPT Annual Report

2013 – 2014

July 2014

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Foreword

By the President, Andrew Morris

This is the first published Annual Report of the Residential Property Tribunal for Wales, the report covers the period April 2013-March 2014. I hope it is informative and self explanatory but should you have any enquiries regarding it please direct them to the tribunal secretariat.

The tribunal has a very wide range of jurisdictions. Whilst the number of cases relating to rents continues to fall over the years the tribunal now deals with highly complex and time consuming matters in relation to service charges and leasehold problems which has increased the commitment of both the office staff and the members.

The Welsh Government's commitment to raising housing standards has also meant that the tribunal is likely to receive further work in areas relating to mobile homes, the licensing of landlords and agents in the private rented sector in the foreseeable future.

I remain committed to ensure that the expertise of the tribunal is put to use in resolving issues between parties in an informed, user friendly manner whilst at the same time ensuring a proper judicial exercise of the tribunal powers.

During this year the tribunal has seen our vice president retire and I would like to take this opportunity to thank him for his many years of invaluable service and wish him well in his retirement.

The tribunal has recruited a new vice president who commenced in January and I would like to welcome him to the tribunal.

Section I – About Us

In this section, our:

- Background
- Overview of procedures
- Members of the Tribunal
- Contacting the Tribunal

Background

The Residential Property Tribunal Wales (RPT Wales) is an independent tribunal that has been set up to resolve disputes relating to private rented and leasehold property.

The RPT Wales was established under the Housing Act 2004 as the umbrella organisation with responsibility for Rent Assessment Committees, Leasehold Valuation Tribunals and Residential Property Tribunals.

Overview

The overriding aim of the RPT Wales is to:

- provide a high performing and cost effective customer service for tribunal users and its members,
- ensure that all aspects of the tribunal's work are administered in such a way as to achieve fair, independent and timely adjudication, and
- operate within the legislative framework applicable in Wales.

The tribunal is committed to providing an equally high performing equivalent service for both Welsh and English speakers who use the tribunal.

Regulations governing the tribunal's procedures are contained in the following legislation:

- Rent Assessment Committees (England and Wales) Regulations 1971,
- Leasehold Valuation Tribunals (Procedure) (Wales) Regulations 2004, and
- Residential Property Tribunal Procedures and Fees (Wales) Regulations 2012.

Certain types of applications dealt with by the RPT Wales incur an application fee and/or hearing fee.

At a tribunal hearing the tribunal panel is composed of a legally qualified chairperson, 1 professional member or in some cases 2 professional members depending on the complexity of the case, and in some cases also 1 lay member. Tribunal hearings will normally be held in public and take place near to the property in question.

Hearing arrangements take account of requirements of those attending, such as; wheelchair access, hearing assistance, interpreter etc.

The tribunal publishes its decisions on the website for the RPT Wales. Decisions of Rent Assessment Committees, Leasehold Valuation Tribunals and Residential Property Tribunals can be appealed on limited grounds to the Upper Tribunal. Permission to appeal to the Upper Tribunal must first be sought from the RPT Wales for decisions made by Leasehold Valuation Tribunals and Residential Property Tribunals.

Full information and guidance, about the tribunal and its procedures, is provided on the website for the RPT Wales. Alternatively please contact the tribunal secretariat for further information or if you would like to receive publications in a different format.

Members of the Tribunal

The Lord Chancellor is responsible for the appointment and re-appointment of chairpersons and Welsh Government is responsible for the appointment and re-appointment of professional and lay members. Welsh Ministers are also responsible for nominating a president and vice president of the tribunal from the panel of chairpersons. Appointments are made following the advertisement of vacancies and competitive interview by the Judicial Appointments Commission for chairpersons and Welsh Government for other members.

President & Vice President	Are the judicial leads of the tribunal.
Chairperson	Are lawyers and have responsibility for conducting proceedings at hearings and advising the tribunal on matters of law. The chairperson will write decisions and set directions where necessary.
Professional Members	Are surveyors and valuers and bring a wide range of relevant knowledge and experience to each hearing.
Lay Members	Have a wide range of relevant knowledge and experience which they bring to each hearing.
Secretariat	The day-to-day administration is largely delegated to the secretariat who deal with all the preliminary paperwork and the processing of applications to the tribunal. The secretariat consults the chairperson on all legal points arising during the preliminary pre-hearing stages of the proceedings and passes on the chairperson's rulings and directions in writing to the parties. The secretariat acts as a point of contact for chairpersons, members and tribunal users and attends some hearings to help with the efficient running of proceedings.

Section I – About Us

Appointments

Six new legal chairpersons and five new professional members were appointed to the RPT Wales during October 2013.

A new vice president was appointed from the panel of chairpersons during December 2013 to replace the exiting vice president following his retirement.

Training

Induction training for new members was held during December 2013 and followed up with a programme of hearing observations. An all members' training conference was held during January 2014.

It is anticipated that a programme of performance appraisal for tribunal members will start during the 2014/15 reporting year.

Contacting the Tribunal

Contact details for the RPT Wales are as follows:

Tribunal Address: Residential Property Tribunal Wales
First Floor, West Wing
Southgate House
Wood Street
Cardiff
CF10 1EW

Tribunal Helpline: 029 2092 2777

Tribunal Fax: 029 2023 6146

Tribunal E-mail: rpt@wales.gsi.gov.uk

Tribunal Website: rpt.wales.gov.uk

Section 2 – Performance and Progress

In this section our:

- Number and statistics
- Reviews and onward appeals
- Achievements against key performance indicators
- Complaints

Numbers and Statistics

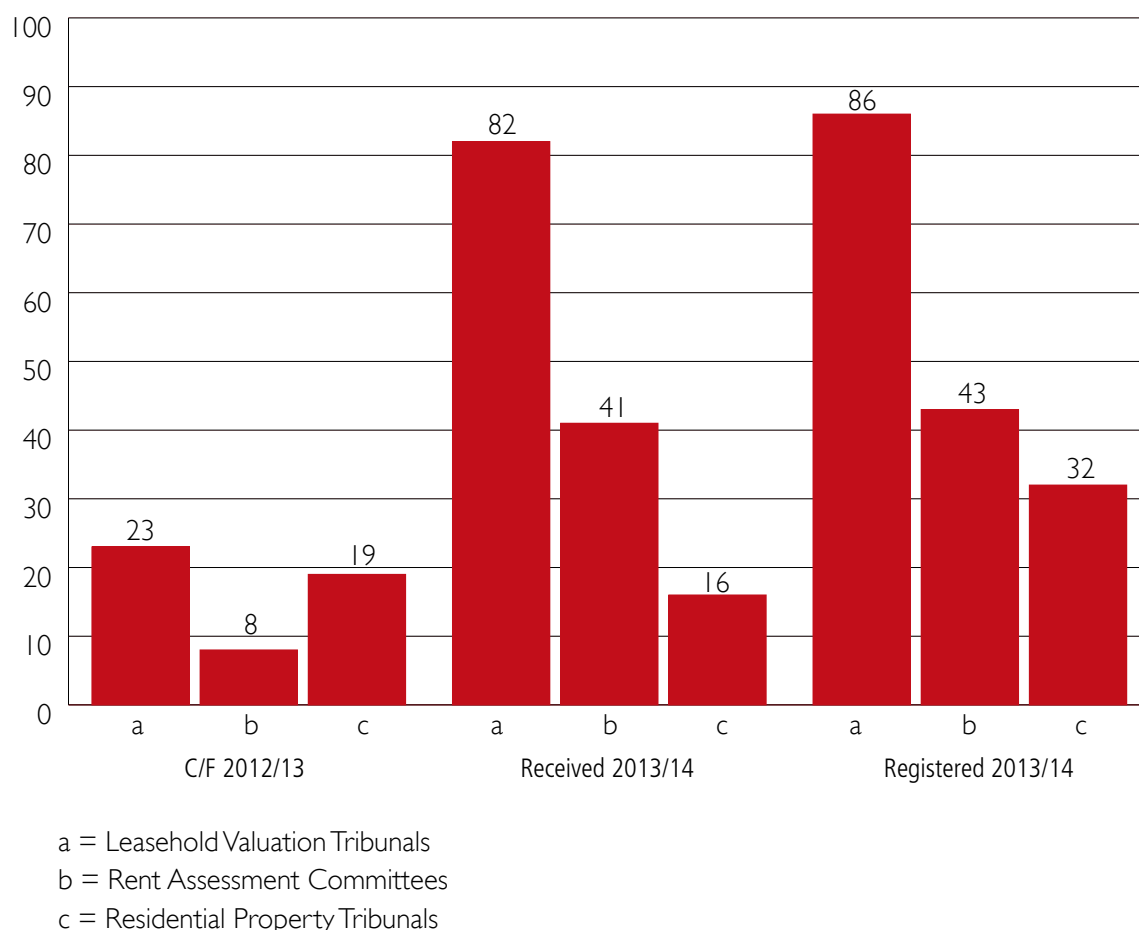
A tribunal year runs from April to March. This is the first year that the tribunal has collated numbers and statistics in this format, future years will see comparative data included. The following sections provide information on:

- number of applications received and registered;
- type of application received;
- number of applications by outcome;
- type and outcome of applications.

2.1 Number of Applications Received and Registered 2013-2014

During the year April 2013 to March 2014 the tribunal received a total of 139 applications. The Tribunal also carried forward 50 applications from 2012-2013. The tribunal registered 161 applications during 2013-2014 of which 27 applications were received during 2012-2013 and registered 2013-2014. Of those 8 were LVT, 3 were RAC and 16 were RPT. 5 application received during 2013-2014 have not been registered during the period of this report this was due to 1 application stayed due to pending court action, 2 applications stayed awaiting further information from parties and 2 further applications waiting instructions from parties. The chart below shows the numbers in each tribunal jurisdiction received and registered including those carried forward and registered in 2013-2014.

Section 2 – Performance and Progress



2.2 Number of Applications Registered by Year and Type of Application.

Leasehold Valuation Tribunals (LVT) - deal with applications to appeal leasehold disputes, leasehold service charges, leasehold enfranchisement and lease extension for houses and flats, and tenants' association applications for recognition. The table below provides data on each tribunal jurisdiction applications received.

Appeals Registered by Type	2013-2014
Leasehold Disputes	
Chapter I, The Common-hold and Leasehold Reform Act 2002 - Right to Manage	6
Schedule 11, The Common-hold and Leasehold Reform Act 2002 - Determination Liability to Pay or Variation of Administration Charge	1
Section 168 (4), The Common-hold and Leasehold Reform Act 2002, Breach of Covenant or Condition in Lease	1
Section 20 C, Landlord & Tenant Act 1985 - Recovery of Costs	1
Part IV, Landlord & Tenant Act 1985 - Variation of Lease(s)	3
Section 24, Landlord & Tenant Act 1985 - Appointment of Manager	1

Section 2 – Performance and Progress

Appeals Registered by Type	2013-2014
Leasehold Service Charge	
Section 27 A, Landlord & Tenant Act 1985 - Service Charges	36
Section 20 ZA, Landlord & Tenant Act 1985 - Dispensation of all or any of the Consultation Requirements	3
Leasehold Enfranchisement	
Section 21(1)(ba), Leasehold Reform Act 1967 - Reasonable Costs Order	0
Section 21(1)(a), Leasehold Reform Act 1967 - Determination of Price Payable	9
Leasehold Reform Housing & Urban Development Act 1993 - Leasehold Renewal	10
Leasehold Reform Housing & Urban Development Act 1993 - Missing Landlord	4
Leasehold Reform Housing & Urban Development Act 1993 - Reasonable Costs	1
Leasehold Reform Housing & Urban Development Act 1993 - Collective Enfranchisement	8
Tenants Association	
Section 29, Landlord & Tenant Act 1985 - Recognition of Tenants' Association	1
Other	
Section 21, Leasehold Reform Housing & Urban Development Act 1993 - Ground Rent & Terms	1
Fees Waiver	0
Total	86

Rent Assessment Committees (RAC) - deal with applications to appeal rents, both fair rents, referrals made by the rent officer and market rents - under assured and assured short hold tenancies. The table below provides data on each tribunal jurisdiction appeal received.

Appeals Registered by Type	2013-2014
Section 13 (4) Housing Act 1988 - Notice Proposing New Rent	9
Section 22 (1), Housing Act 1988 - Determination of Rent Assured Short-hold Tenancy	0
Section 6 (3), Housing Act 1988 - Notice Proposing Different Terms	0
Fair Rents- Referrals from the Rent Officer	34
Total	43

Section 2 – Performance and Progress

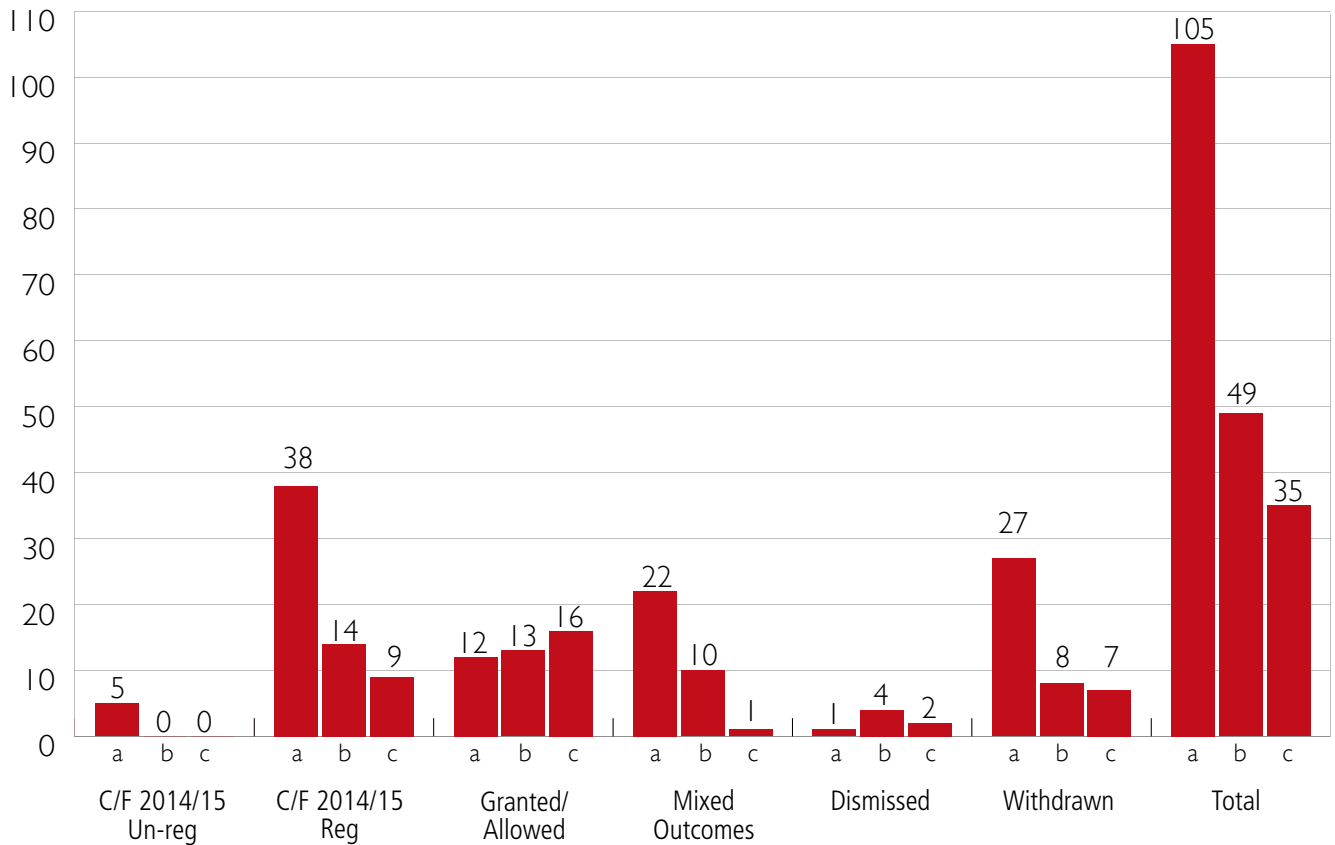
Residential Property Tribunals (RPT) - deal with applications to appeal, empty dwelling management orders, interim and final management orders, licensing, housing health and safety rating systems, park homes and local authority gypsy and traveller sites. The table below provides data on each tribunal jurisdiction appeal received.

Appeals Registered by Type	2013-2014
Management Orders	
Management Orders	0
Empty Dwelling Management Orders	0
Local Authority Rent Repayment Order	1
Temporary Exemption	2
Overcrowding	0
Houses of Multiple Occupancy Decisions	0
Licence Decisions	1
Refuse Improvement Notice	0
Improvement Notices	13
Local Authority Recovery of Expenses	0
Park Homes	
Park Homes Section 2(2)	0
Park Homes Section 8(1)(e)	0
Park Homes Section 10(1)(a)	0
Park Homes Section 4	0
Park Homes Section 5a(2)(a)	0
Park Homes Section 18(1)(a)(iii)	0
Park Homes Section 28(1)(h)	1
Park Homes Section 1(6)	0
Park Homes Section 10(2)	0
Park Homes Section Review Pitch Fee	14
Park Homes Section 4,5 or 5a(2)(b)	0
Park Homes Section Express/Implied Terms	0
Fees Waiver	0
Total	32

2.3 Number of Applications Finalised 2013-2014 by Outcome

A finalised case is an application which has been completed either through:

- withdrawal by the applicant; or
- a hearing whereby the tribunal has made a decision in respect of the application.



a = Leasehold Valuation Tribunals
 b = Rent Assessment Committees
 c = Residential Property Tribunals

The tribunal will be carrying forward 66 applications registered in 2013-2014 to 2014-2015. 5 applications remain unregistered, 2 applications being stayed awaiting further information from parties, 2 waiting instructions from parties and 1 stayed pending court action.

Section 2 – Performance and Progress

2.4 Number of Applications in 2013-2014 by Type and Outcome (includes Carried forward from 2012-2013)

Leasehold Valuation Tribunals

Type	Carried Forward	Granted/ Allowed	Mixed Outcomes	Dismissed	Withdrawn	Total
Leasehold Disputes						
Clara Ch I	5	0	1	0	1	7
Clara Sc I I	1	0	0	0	0	1
Clara Sec I 68(4)	1	0	0	0	1	2
L&T Sec 20C	1	1	0	0	0	2
L&T Part IV	2	1	0	0	1	4
L&T Sec 24	1	0	0	0	0	1
Leasehold Service Charge						
L&T Sec 20ZA	1	2	0	0	0	3
L&T Sec 27A	18	7	12	1	14	52
Leasehold Enfranchisement						
LR Sec 21(1)(ba)	0	0	0	0	0	0
LR Sect 21(1)(a)	0	0	3	0	6	9
LRH&UD Leasehold Renewal	5	0	4	0	1	10
LRH&UD Missing L/ Lord	3	1	0	0	0	4
LRH&UD Costs	0	0	1	0	0	1
LRH&UD Enfranchisement	5	0	0	0	3	8
Tenants Association						
L&T Sec 29	0	0	0	0	0	0
Other						
LRH Sec 21	0	0	1	0	0	1
LVT Fees Waiver	0	0	0	0	0	0
Total	43	12	22	1	27	105

Rent Assessment Committees

Type	Carried Forward	Granted/ Allowed	Mixed Outcomes	Dismissed	Withdrawn	Total
Housing Act Sect 13(4)	3	2	2	3	2	12
Housing Act Sect 22(1)	0	0	0	0	0	0
Housing Act Sect 6(3)	0	0	0	0	0	0
Fair Rents	11	11	8	1	6	37
Total	14	13	10	4	8	49

Residential Property Tribunals

Type	Carried Forward	Granted/ Allowed	Mixed Outcomes	Dismissed	Withdrawn	Total
Management Orders						
Management Orders	0	0	0	0	0	0
Empty Dwelling	0	0	0	0	0	0
LA Rent Re-pay Order	0	2	0	0	0	2
Temp Exemption	1	0	0	0	1	2
Overcrowding	0	0	0	0	0	0
Houses of Multiple Occupancy Decisions	0	0	0	0	0	0
Licence Decisions	1	0	0	0	0	1
Refuse Improvement Notice	0	0	0	1	0	1
Improvement Notices	7	0	1	0	5	13
LA Recover Expenses	0	0	0	0	0	0
Park Homes						
Park Homes Section 2(2)	0	0	0	0	0	0
Park Homes Section 8(1)(e)	0	0	0	0	0	0
Park Homes Section 10(1)(a)	0	0	0	0	0	0
Park Homes Section 4	0	0	0	1	0	1

Section 2 – Performance and Progress

Type	Carried Forward	Granted/ Allowed	Mixed Outcomes	Dismissed	Withdrawn	Total
Park Homes Section 5a(2)(a)	0	0	0	0	0	0
Park Homes Section 18(1)(a)(iii)	0	0	0	0	0	0
Park Homes Section 28(1)(h)	0	0	0	0	1	1
Park Homes Section 1(6)	0	1	0	0	0	1
Park Homes Section 10(2)	0	0	0	0	0	0
Park Homes Section Review Pitch Fee	0	13	0	0	0	13
Park Homes Section 4,5 or 5a(2)(b)	0	0	0	0	0	0
Park Homes Express/ Implied Terms	0	0	0	0	0	0
Fees Waiver	0	0	0	0	0	0
Total	9	16	1	2	7	35

Hearings

During 2013-2014, 44 applications proceeded to hearing, of those that proceeded to a hearing the number of hearing days including site visit is as follows:

Type	Length (in days)
Leasehold Valuation Tribunals	68 Hearing days
Rent Assessment Committees	28 Hearing days
Residential Property Tribunals	2 Hearing days

There were also 8 pre-trial reviews which took place for Leasehold Valuation Tribunals. A pre-trial review is a meeting between all parties to discuss further actions required on their applications.

Onward appeals

Leasehold Valuation Tribunal and Residential Property Tribunal parties may apply to the Tribunal for leave to appeal to the Upper Tribunal if they think that the Tribunal's decision is wrong on a point of law. Rent Assessment Committees may apply directly to the Upper Tribunal.

Over the period of this report a total of 4 applications were made, 3 in relation to leasehold valuation decisions and 1 in relation to a residential property decision, for which the Tribunal agreed they could proceed to the Upper Tribunal. 3 applications were dismissed by the Upper Tribunal and 1 application was referred back to the Tribunal to re-consider.

Achievement against key performance indicators

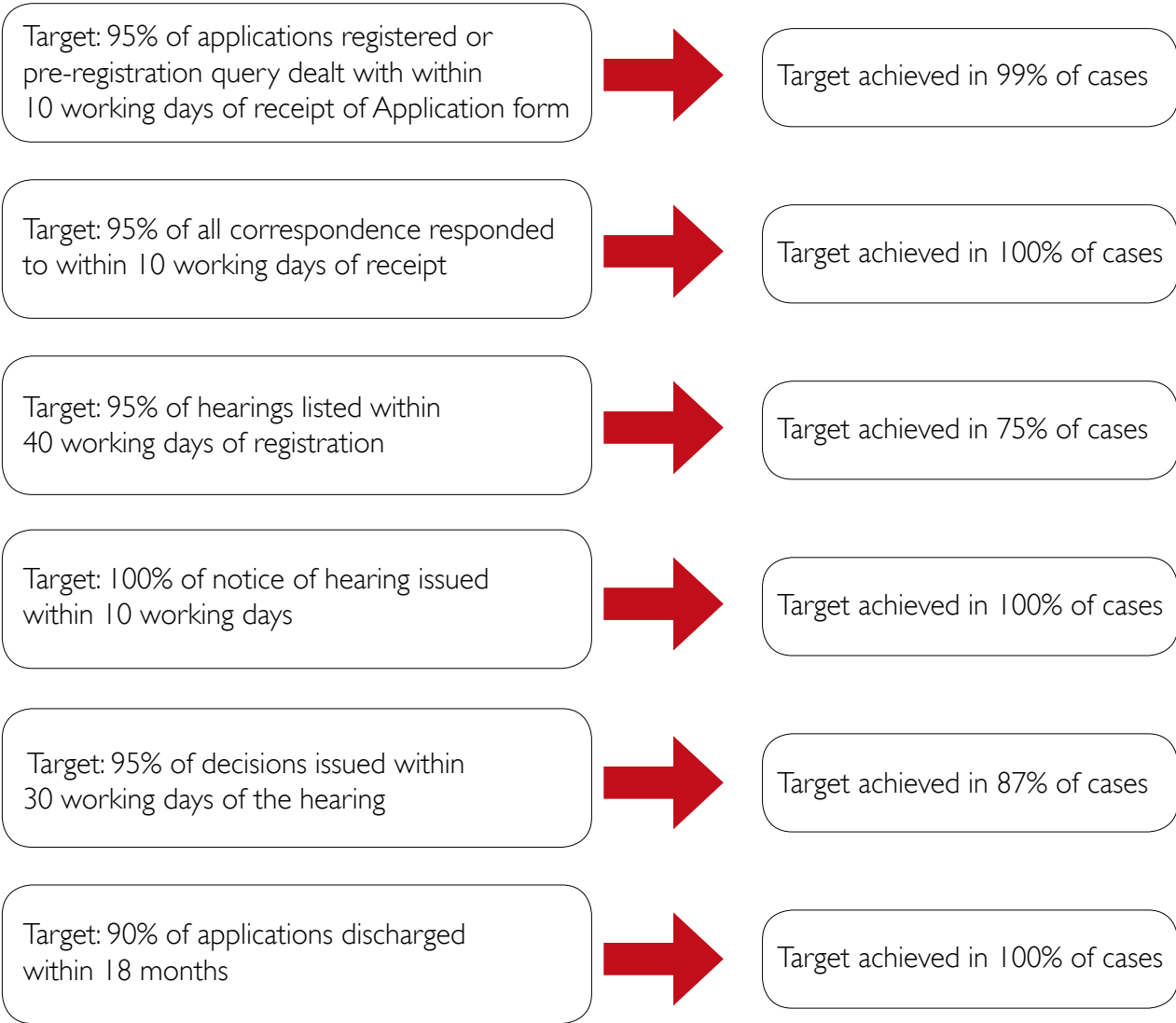
To monitor how effectively services are delivered, we have key performance indicators aimed at measuring two key aspects of our business; the speed of our service and the quality of service through customer satisfaction.

To measure the speed of our service, we have a series of primary performance indicators based on the time taken to process an application – from receipt to the hearing or disposal.

To measure customer satisfaction, we used an indicator that is derived from periodic customer satisfaction surveys.

Section 2 – Performance and Progress

Speed of our service



Complaints

The Tribunal received 1 formal complaint during the course of the year.

Section 3 – Our Customers

In this section, our:

- Customer satisfaction survey

Customer satisfaction survey

The Tribunal strives to improve customer service delivery and aim to put our customers at the heart of everything we do.

During 2013-2014 the tribunal established a customer satisfaction survey. The survey results will allow the tribunal to gain a better understanding of our customers' needs and give us a valuable insight into what the tribunal is doing well, as well as highlighting those areas where the tribunal needs to improve.

The tribunal issued 92 customer satisfaction survey forms but received no completed forms during 2013-2014.

Section 4 – Business Priorities

In this section, our:

- Business Priorities for 2014-2015

It is important that the tribunal continues to develop in order to deliver the best possible service for our users. This section is about how the tribunal will build on its achievements through focusing on business priorities and our commitment to our users.

Business Priorities 2014-2015

- Continue to ensure the tribunal president responds to Welsh Government consultations which impact on the work of the RPT Wales.
- Continue to monitor and update RPT Wales Website.
- New panel members to complete induction training hearing observations before sitting on the panel.
- Deliver an effective and efficient service, meeting key performance indicators and responding to feedback on customer satisfaction survey.
- Organise annual training conference for tribunal members, identifying and responding to training needs including training in new legislation.
- Identify and plan training for members on new legislation .
- Identify and plan appraisal of tribunal members.

Section 5 – Expenditure

In this section, our:

- Expenditure for 2013-2014

Expenditure for 2013-2014

Content	Amount
Members Fees & Expenses (!)*	£207,404
Venue Costs (!)*	£13,672
Total (!)	£221,076

* these figure also include expenditure for training events

(!) Rounded to the nearest £1