

Residential Property Tribunal Annual Report 2014 – 2015

November 2015



Y Tribiwnlys Eiddo Preswyl
Residential Property Tribunal

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Foreword

Welcome to my second Annual Report for the Residential Property Tribunal for Wales. The year has been an eventful one for the Tribunal bringing two new pieces of legislation under which the Tribunal has a wide range of jurisdictions.

Firstly the Mobile Homes (Wales) Act 2013 came into force on the 1 October 2014. This has consolidated previous legislation with new rights and obligations for Park Owners and Mobile Home Owners.

Secondly the Housing (Wales) Act 2014 received the Royal Assent on 17 September 2014. Whilst not yet in force this Act establishes a revolutionary mandatory licensing scheme for Landlords and Managing Agents and is a step on the way to the Welsh Government's ambition of raising standards in the Private Rented Sector.

Within the Tribunal we welcomed on board our new Lawyer Chairs and Professional Members who after induction training and observations are now usefully employed in dealing with casework.

Our Annual Conference for members held in November emphasised the growing diversity between the law affecting the Tribunal in Wales and the rest of the United Kingdom and was extremely well received by the large numbers who attended.

Early on in the year I personally had the great pleasure of giving a short talk on trends in the Tribunal caseload at the Leasehold Advisory Services workshop in Cardiff.

Although the figures in this report show a fall in the number of cases brought to the Tribunal they do not reflect both the complexity of cases or the commitment required by the office staff and members to deal with them.

As always I remain committed to ensuring that the resources of the Tribunal are put to use in ensuring the best possible service for the people of Wales.

Section 1 – 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 of procedures

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.

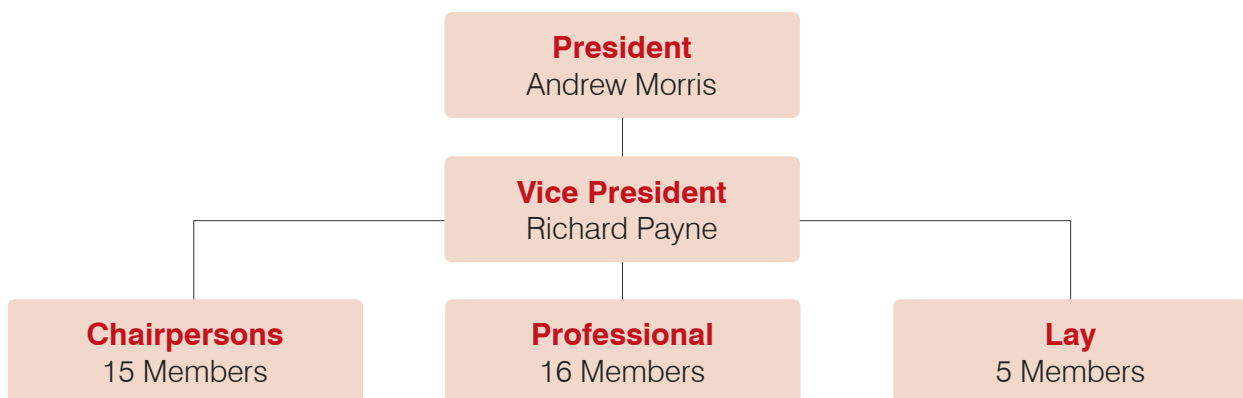
President & Vice President: Are the judicial leads of the tribunal.

Chairpersons: 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.



Appointments

One new legal chairperson was appointed to the RPT Wales during January 2014.

Training

Induction training for the new member was held in March 2014 and followed up with a programme of hearing observations. An all members' training conference was held during November 2014.

A programme of performance appraisal for tribunal members started in October 2014.

Contacting the Tribunal

To contact the Secretary to the Tribunal details 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: Residential Property Tribunal <http://rpt.gov.wales/>

Section 2 – Performance and Progress

In this section, our:

- Numbers and statistics
- Reviews and onward appeals
- Achievement against key performance indicators
- Complaints

Numbers and statistics

A Tribunal year runs from April to March.

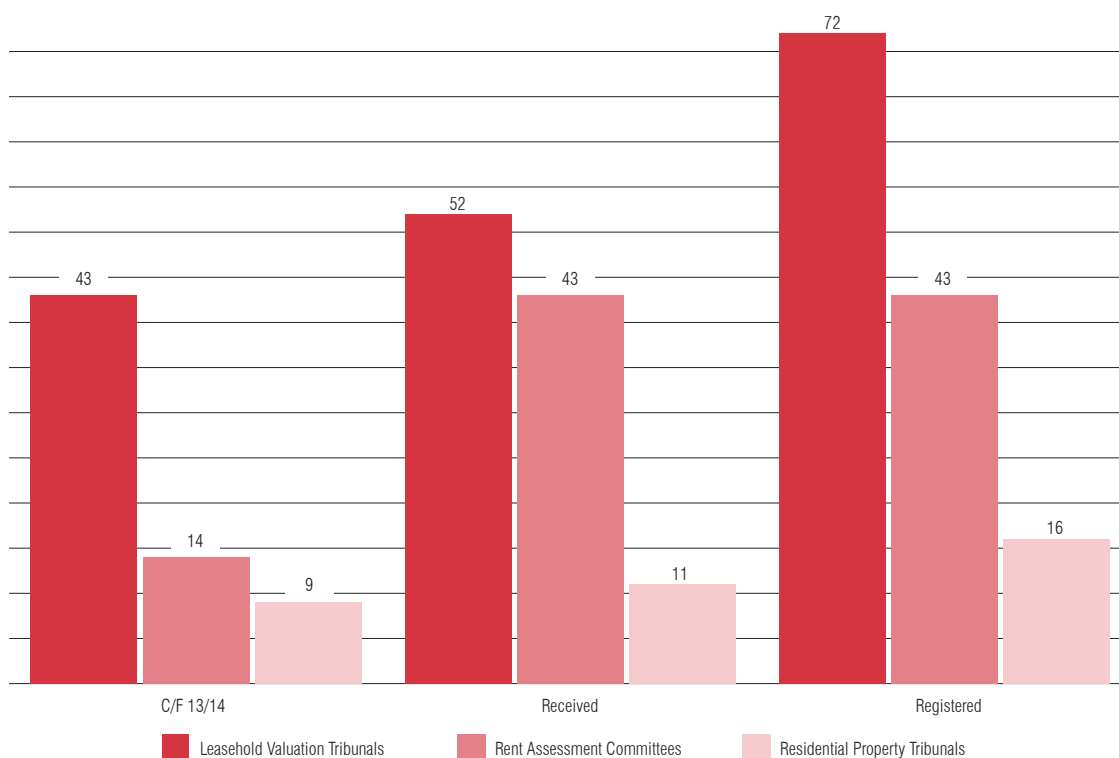
The following statistics are collated:

- number of applications received and registered
- type of application received and registered
- number of applications finalised
- outcome of applications.

2.1 Number of Applications Received and Registered 2014-2015

During the year April 2014 to March 2015 the tribunal received a total of 106 applications. The Tribunal also carried forward 66 applications from 2013-2014. The tribunal registered 131 applications during 2014-2015 of which 25 applications were received during 2013-2014 and registered 2014-2015. Of those 18 were Leasehold Valuation Tribunals (LVT), 2 were Rent Assessment Committees (RAC) and 5 were Residential Property Tribunals (RPT). The chart below shows the numbers in each tribunal jurisdiction received and registered including those carried forward and registered in 2014-2015.

Table 2.1 Number of Applications Received and Registered 2014-2015



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 application for recognition. The table below provides data on each tribunal jurisdiction applications received.

Leasehold Valuation Tribunals (LVT)

(Note these are the actual cases registered during 2014-2015 (including those C/F from previous year and registered current year)

Appeals Registered by Type	2014-2015
Leasehold Disputes	
Schedule 11, The Common-hold and Leasehold Reform Act 2002 – Determination Liability to Pay or Variation of Administration Charge	2
Section 168 (4), The Common-hold and Leasehold Reform Act 2002, Breach of Covenant or Condition in Lease	6
Chapter 1, The Common-hold and Leasehold Reform Act 2002 – Right to Manage	4
Section 20 C, Landlord & Tenant Act 1985 – Recovery of Costs	1
Part IV, Landlord & Tenant Act 1985 – Variation of Lease(s)	1
Section 24, Landlord & Tenant Act 1985 – Appointment of Manager	1
Leasehold Service Charge	
Section 27 A, Landlord & Tenant Act 1985 – Service Charges	23
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	4
Leasehold Reform Housing & Urban Development Act 1993 – leasehold renewal	16
Leasehold Reform Housing & Urban Development Act 1993 – Missing Landlord	5
Leasehold Reform Housing & Urban Development Act 1993 – Reasonable Costs	2
Leasehold Reform Housing & Urban Development Act 1993 – Collective Enfranchisement	4
Tenants Association	
Section 29, Landlord & Tenant Act 1985 – Recognition of Tenants’ Association	0
Other	
Section 21, Leasehold Reform Housing & Urban Development Act 1993 – Ground Rent & Terms	0
Fees waiver	0
Total	72

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

Rent Assessment Committees (RAC)

Appeals Registered by Type	2014-2015
Section 13 (4) Housing Act 1988 – Notice Proposing New Rent	6
Section 22 (1), Housing Act 1988 – Determination of Rent Assured Short-hold Tenancy	1
Section 6 (3), Housing Act 1988 – Notice Proposing Different Terms	0
Fair Rents – Referrals from the Rent Officer	36
Total	43

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, mobile homes and local authority gypsy and traveller sites. The table below provides data on each tribunal jurisdiction appeal received.

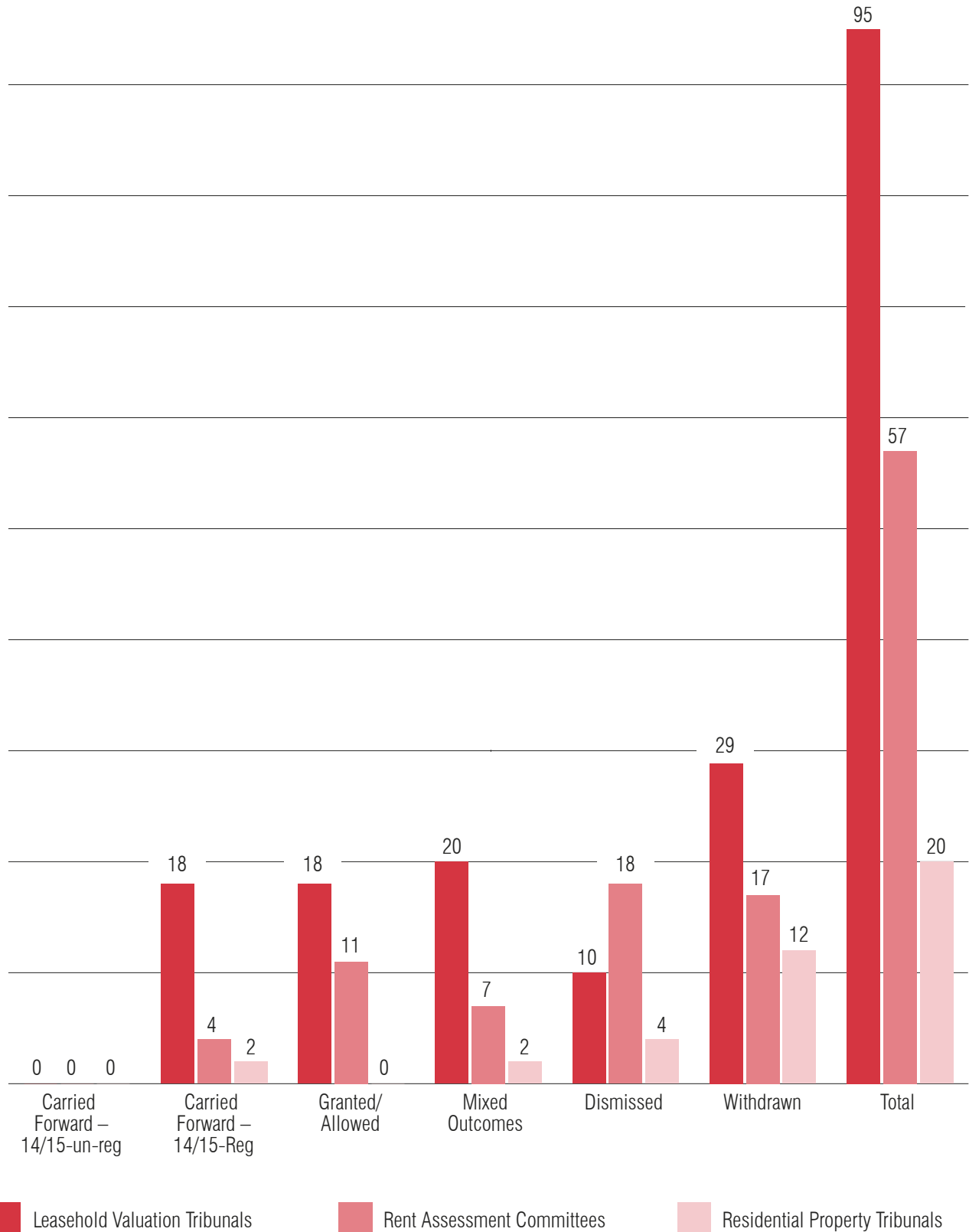
Residential Property Tribunals (RPT)

Appeals Registered by Type	2014-2015
Management Orders	
Management orders	0
Empty dwelling Management Orders	0
Local Authority Rent Repayment Order	2
Temporary exemption	0
Overcrowding	0
Houses of Multiple Occupancy decisions	0
Licence decisions	1
Refuse improvement notice	1
Improvement notices	7
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	1
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 (16(b))	3
Park Homes Section 4,5 or 5a(2)(b)	0
Park Homes Section express/implied terms	0
Fees waiver	0
Total	16

2.3 Number of Applications 2014-2015 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.



2.4 Number of Applications in 2014-2015 by Type and Outcome

Type	Carried Forward	Granted/ Allowed	Mixed Outcomes	Dismissed	Withdrawn	Total
Leasehold disputes						
Clara Sec 168(4)	0	2	0	4	0	6
Clara Sc 11	0	2	0	0	1	3
Clara Ch 1	2	5	0	0	2	9
L&T Sec 20C	0	0	0	0	1	1
L&T Part IV	0	0	0	1	1	2
L&T Sec 24	0	0	0	0	1	1
Leasehold Service Charge						
L&T Sec 20ZA	1	2	0	0	1	4
L&T Sec 27A	7	5	11	3	6	32
Leasehold Enfranchisement						
LR Sec 21(1)(ba)	0	0	0	0	0	0
LR Sect 21(1)(a)	1	0	1	0	2	4
LRH&UD leasehold renewal	3	0	2	0	12	17
LRH&UD Missing L/Lord	1	2	2	1	0	6
LRH&UD costs	1	0	1	0	0	2
LRH&UD Enfranchisement	2	0	3	1	2	8
Tenants Association						
L&T Sec 29	0	0	0	0	0	0
Other						
LRH Sec 21	0	0	0	0	0	0
LVT fees waiver	0	0	0	0	0	0
Total	18	18	20	10	29	95

Rent Assessment Committes

Type	Carried Forward 2015/16	Granted/ Allowed	Mixed Outcomes	Dismissed	Withdrawn	Total
Housing Act Sect 13(4)	3	3	3	5	3	17
Housing Act Sect 22(1)	1	0	0	0	0	1
Housing Act Sect 6(3)	0	0	0	0	0	0
Fair Rents	0	8	4	13	14	39
Total	4	11	7	18	17	57

Residential Property Tribunals

Type	Carried Forward 2015/16	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	0	0	0	2	2
Temp exemption	0	0	0	1	0	1
Overcrowding	0	0	0	0	0	0
Houses of Multiple Occupancy decisions	0	0	0	0	0	0
Licence decisions	0	0	0	1	0	1
Refuse improvement notice	0	0	0	0	1	1
Improvement notices	1	0	2	2	5	10
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	0	1	1
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	0	0	0	0	0
Park Homes Section 10(2)	0	0	0	0	0	0
Park Homes Section review pitch fee (16(b))	1	0	0	0	2	3
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	2	0	2	4	12	20

The tribunal will be carrying forward 24 applications registered in 2014-2015.

Hearings

During 2014 -2015 90 applications proceeded to Hearing (which included a site visit):

Type	Length (in days)
Leasehold Valuation Tribunals	48 Hearing days
Rent Assessment Committees	36 Hearing days
Residential Property Tribunals	6 Hearing days

There were also 2 telephone conferences which took place for Leasehold Valuation Tribunals.

There were 35 paper conferences which took place. Of these 29 were for the Rent Assessment Committee, and 6 were for the Leasehold Valuation Tribunals.

There were also 15 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.

Reviews and onward appeals

Applications for a review of a Tribunal decision can be made by parties on limited grounds.

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, 2 applications were made.

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 surveys.

Speed of our service

Target: 95% of applications registered or pre-registration query dealt with within 10 working days of receipt of Application form	→	Target achieved in 95% of cases
Target: 95% of all correspondence responded to within 10 working days of receipt	→	Target achieved in 100% of cases
Target: 95% of hearings listed within 40 working days of registration	→	Target achieved in 95% of cases
Target: 100% of notice of hearing issued within 20 working days of the hearing	→	Target achieved in 100% of cases
Target: 95% of decisions issued within 30 working days of the hearing	→	Target achieved in 90% of cases
Target: 95% of applications discharged within 18 months	→	Target achieved in 100% of cases

Complaints

The Tribunal received no formal complaints during the course of the year.

Section 3 – Our Customers

In this section, our:

- Customer satisfaction survey

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

The established customer satisfaction survey results enable us 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 145 customer satisfaction survey forms but received no completed forms during 2014-2015.

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 2015-2016

- 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 2014-2015

Expenditure for 2014-2015

Content	Amount
Members Fees and Expenses for tribunal proceedings	£115,379
Tribunal events (hearing costs)	£1,460
Annual Conference, Induction Training & Appraisals	£33,335
Total	£150,174

* rounded to the nearest £1,000