

Residential Property Tribunal Wales Annual Report 2015 – 2016

November 2015



Y Tribiwnlys Eiddo Preswyl
Residential Property Tribunal

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Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Foreword

I am pleased to present my third annual report as President of the Residential Property Tribunal Wales.

The year saw the introduction of a significant piece of legislation for the private rented sector in Wales, the Renting Homes (Wales) Act 2016. This is a further step in changing the landscape of this sector. However, the Senedd chose to give jurisdiction for disputes under the Act to the County Court rather than the Tribunal.

The provisions of the Housing (Wales) Act 2014 have now been brought into force and the Licensing Regime set up under the auspices of a new organisation Rent Smart Wales. Those affected have been given until November 2016 to comply before enforcement proceedings will be taken so as yet no applications to the Tribunal have been received. We will see what the next year brings.

This year we have brought into practice our appraisal system for members and I and the Vice President have both been delighted but not surprised at the standard displayed by all members in the hearings we have observed. We will continue this practice in the coming year.

We held a very successful training conference in November which was attended by the vast majority of members. A large part of the two days was spent in highlighting particularly Welsh issues following the new and proposed legislation.

I am as always indebted to the hard work of the Tribunal Secretariat and the Tribunals unit and to the commitment of our members. Together we will strive to ensure a level of service that the people of Wales deserve in the coming year.



Andrew Morris

President of the Tribunal

Andrew Morris sadly passed away on 5 January 2017.

Andrew was appointed to the Rent Assessment Committee in February 1991 and then appointed as President of the Residential Property Tribunal on 1 January 2006. During his 11 years as President, and previously as a legal chair, Andrew made an enormous contribution to the Residential Property Tribunal and administrative justice in Wales. Andrew oversaw plenty of change as President, with housing legislation in Wales becoming increasingly different to that of England. Andrew was instrumental in delivering and organising training for Tribunal members on the newly passed Mobile Homes (Wales) Act 2013 and Housing (Wales) Act 2014 and was looking forward to seeing how the licensing of landlords in Wales developed.

The members of the Residential Property Tribunal, and administrative staff of the Welsh Tribunals Unit, held Andrew in the highest regard and will miss his knowledge, humour, integrity and most of all his friendship.

Section 1 – About Us

In this section:

- Basis for the Tribunal
- The Tribunal's Functions
- The Tribunal's Jurisdiction
- The Tribunal's Regulations
- The Tribunal's Process
- Members of the Tribunal
- Appointments & Retirements
- Contacting the Tribunal
- Accessing the Tribunal

Basis for the Tribunal

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.

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's Functions

The Rent Assessments Committees deal with disputes relating to:

- Rent – both fair rents; and
- Market rents – under assured and assured short-hold tenancies.

The Leasehold Valuation Tribunals deal with disputes relating to:

- Leasehold disputes;
- Leasehold, service charges;
- Leasehold enfranchisement and lease extension for houses and flats; and
- Tenants' association applications for recognition.

The Residential Property Tribunals deal with disputes relating to:

- Empty dwelling management orders;
- Interim and final management orders;
- Licensing of houses in multiple occupation and selective licensing of other residential property;
- Housing, health and safety rating system;
- Park homes; and
- Local authority gypsy and traveller sites.

The Tribunal's Jurisdiction

The jurisdiction of the RPT Wales is set out in the following legislation:

Rent Assessment Committees:

- The Rent Act 1977;
- The Housing Act 1988; and
- The Local Government and Housing Act 1989

Leasehold Valuation Tribunals:

- The Leasehold Reform Act 1967;
- The Leasehold Reform, Housing and Urban Development Act 1993; and
- Commonhold and Leasehold Reform Act 2002.

Residential Property Tribunals:

- Mobile Homes Act (Wales) 2013;
- Landlord and Tenant Act 1985;
- Landlord and Tenant Act 1987; and
- Housing Act 2004.

The Tribunal's Regulations

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;
- Residential Property Tribunal Procedures and Fees (Wales) Regulations 2012; and
- Mobile Homes (Site Rules) (Wales) Regulations 2014.

The Tribunal's Process

To make an application or appeal you must complete and send the relevant application form to the RPT Wales. Applications will only be accepted in hard copy by post or hand delivered. Certain types of applications dealt with by the RPT Wales incur an application fee and/or hearing fee.

Before almost every Tribunal hearing, the Tribunal panel will conduct an inspection of the premises relating to the application. The Tribunal needs to visit the premises to consider its state and condition or any physical aspects which will help it in reaching a decision.

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 1 lay member. Tribunal hearings will normally be held in public and take place near to the property in question.

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. The contact details can be found on page 7.

Members of the Tribunal

The Lord Chancellor is responsible for the appointment and re-appointment of chairpersons and the Welsh Government is responsible for the appointment and re-appointment of professional and lay members. The 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 the 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 other relevant knowledge and experience which they bring to each hearing.
Secretariat	The day-to-day administration is largely delegated to the secretariat who deals 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 and Retirements

One new legal chairperson was appointed to the RPT Wales during April 2015.

One legal chairperson and one professional member retired during 2015-2016.

Training

Induction training for the new member was held in April 2015 and followed up with a programme of hearing observations. A 2 day training conference was held for all members during November 2015. 7 Members received appraisals during 2015-2016 as part of a rolling programme for appraising all members.

Contacting the Tribunal

The Tribunal's contact details are as follows:

Tribunal Address:	Residential Property Tribunal Wales First Floor, West Wing Southgate House, Wood Street Cardiff, CF10 1EW
Tribunal Helpline:	03000 252777
Tribunal Fax:	03000 256146
Tribunal E-mail:	rpt@wales.gsi.gov.uk
Tribunal Website:	www.rpt.gov.wales/

Accessing the Tribunal

The Tribunal is happy to communicate with you in English or Welsh. If a Welsh speaker is not immediately available then we will arrange for a Welsh-speaking member of Tribunal staff to phone you back.

You can choose to have your Tribunal hearing conducted in Welsh or English. If your first language is not Welsh or English and you wish to speak in your first language during the hearing, we can arrange for an interpreter to be present. If you need a sign language interpreter to attend the hearing we will arrange this.

If you or anyone you are bringing to the hearing has any other access requirements that may affect our arrangements for the hearing, provision will be made.

To enable arrangements for interpreters or to make provision for any additional needs of attendees, sufficient notice must be given to the secretariat.

Section 2 – Performance and Progress

In this section:

- 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:

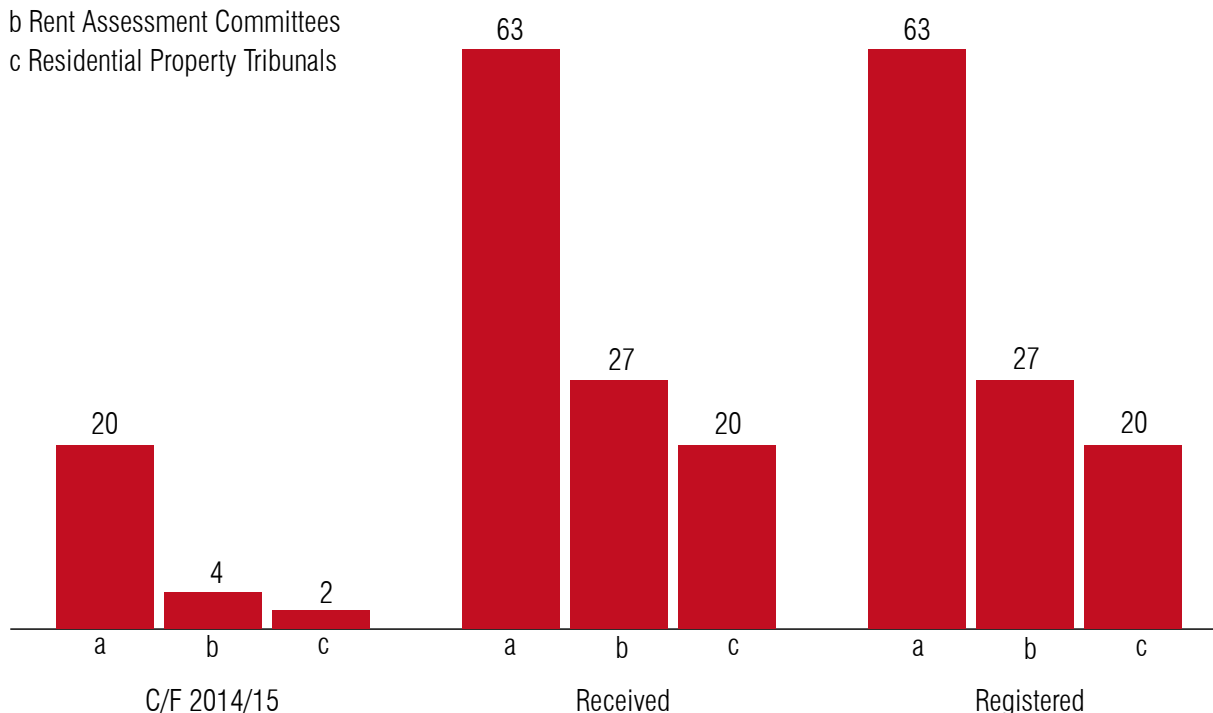
- number of applications received and registered;
- type of application received and registered;
- number of applications finalised;
- outcome of applications.

2.1 Number of Applications Received and Registered 2015-2016

During the year April 2015 to March 2016 the tribunal received a total of 110 applications. The Tribunal also carried forward 26 applications from 2014-2015. The tribunal registered all 110 applications during 2015-2016.

The chart below shows the numbers in each tribunal jurisdiction received and registered including those carried forward and registered in 2015-2016.

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



2.2 Number of Applications Registered in 2015-2016 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.

Appeals Registered by Type	2015-16
Leasehold Disputes	
Schedule 11, The Common-hold and Leasehold Reform Act 2002 – Determination Liability to Pay or Variation of Administration Charge	0
Section 168 (4), The Common-hold and Leasehold Reform Act 2002, Breach of Covenant or Condition in Lease	1
Chapter 1, The Common-hold and Leasehold Reform Act 2002 – Right to Manage	2
Section 20 C, Landlord & Tenant Act 1985 – Recovery of Costs	0
Part IV, Landlord & Tenant Act 1985 – Variation of Lease(s)	1
Section 24, Landlord & Tenant Act 1985 – Appointment of Manager	0
Leasehold Service Charge	
Section 27 A, Landlord & Tenant Act 1985 – Service Charges	19
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	15
Leasehold Reform Housing & Urban Development Act 1993 – Missing Landlord	1
Leasehold Reform Housing & Urban Development Act 1993 – Reasonable Costs	3
Leasehold Reform Housing & Urban Development Act 1993 – Collective Enfranchisement	13
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
Section 15, Leasehold Reform Act 1967 – Ground Rent Review	1
Total	63

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.

Appeals Registered by Type	2015-16
Section 13 (4) Housing Act 1988 – Notice Proposing New Rent	11
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	15
Total	27

Residential Property Tribunals (RPT) – deal with applications regarding 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.

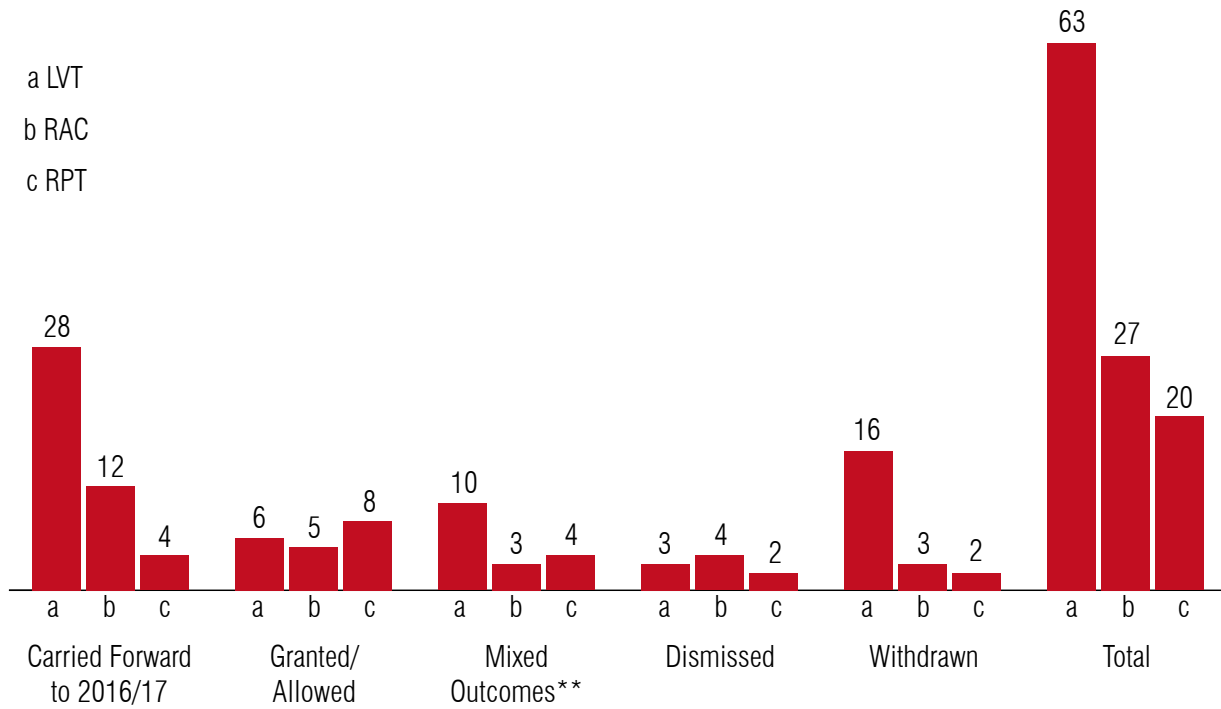
Appeals Registered by Type	2015-16
Management Orders	
Management orders	0
Empty dwelling Management Orders	1
Local Authority Rent Repayment Order	6
Temporary exemption	0
Overcrowding	0
Houses of Multiple Occupancy decisions	3
Licence decisions	0
Refuse improvement notice	0
Improvement notices	2
Local Authority Recovery of expenses	1
Park Homes – Mobile Homes (Wales) Act 2013	
Fees waiver	0
Section 7(4)(b) – Site Licence – decision to issue	0
Section 12(2) – Site Licence – decision to apply conditions	0
Section 14(1) – variation or refusal of condition of license by local authority	0
Sections 17(2) & 23(1) – Compliance notice by local authority	0
Sections 21(9) & 23(1) – Emergency action by the local authority	0
Sections 22(7) & 23(1) – local authority’s demand for expenses	0
Section 28(2) – Person managing site is not a fit and proper person	0
Section 29(6) – Local authority’s decision that a person is not a fit and proper person	0
Section 30(5) – Local authority’s decision to appoint an interim manager	0

Appeals Registered by Type	2015-16
Section 33(6)(c) – Repayment order, by an occupier of an unlicensed site	0
Section 49(5) – Written statement of terms of agreement	0
Section 50(2) – Agreement of terms re matters Part 2 of Sch 2	0
Section 50(3)(a) or 50(3)(b) – Implied terms vary/delete	0
Section 54 – any other matter under the act	1
Schedule 2 Chapter 2 Para 7(1)(a) or Chapter 4 Para 40(1)(a) – Detrimental effect	0
Schedule 2 Chapter 2 Paras 5, 6, 7(1)(b) – Termination of agreement	0
Schedule 2 Chapter 2 Para 10(3) – Refusal order Site Owner	0
Schedule 2 Chapter 2 Para 13(3) – Refusal order to prevent gift	1
Schedule 2 Chapter 4 Para 42(8) – assignment of the occupier’s agreement is approved	0
Schedule 2 Chapter 2 Paras 14(1)&(2) – temporary relocation of mobile home to another pitch	0
Schedule 2 Chapter 2 Paras 14(3) – order for mobile home to be returned to its original pitch	0
Schedule 2 Chapter 2 Paras 17(1)(b) & 17(6)(a) – determination of a new pitch fee	0
Schedule 2 Chapter 2 Para 18(1)(a)(iii) – improvements to be taken account when pitch fee is reviewed	0
Schedule 2 Chapter 2 Paras 17(15) & (16) – owner to re-pay the difference between the old and new pitch fees	0
Section 52(9) & (10) and Regulation 10(1) of the Mobile Homes Regulations 2014 – proposed, making varying or deletion of the site rules	5
Section 52(9) & (10) and Regulation 17(1) of the Mobile Homes Regulations 2014 – site owner’s failure to deposit new or varied site rules, or a deletion notice, in time	0
Total	20

2.3 Number of Applications 2015-2016 by Outcome

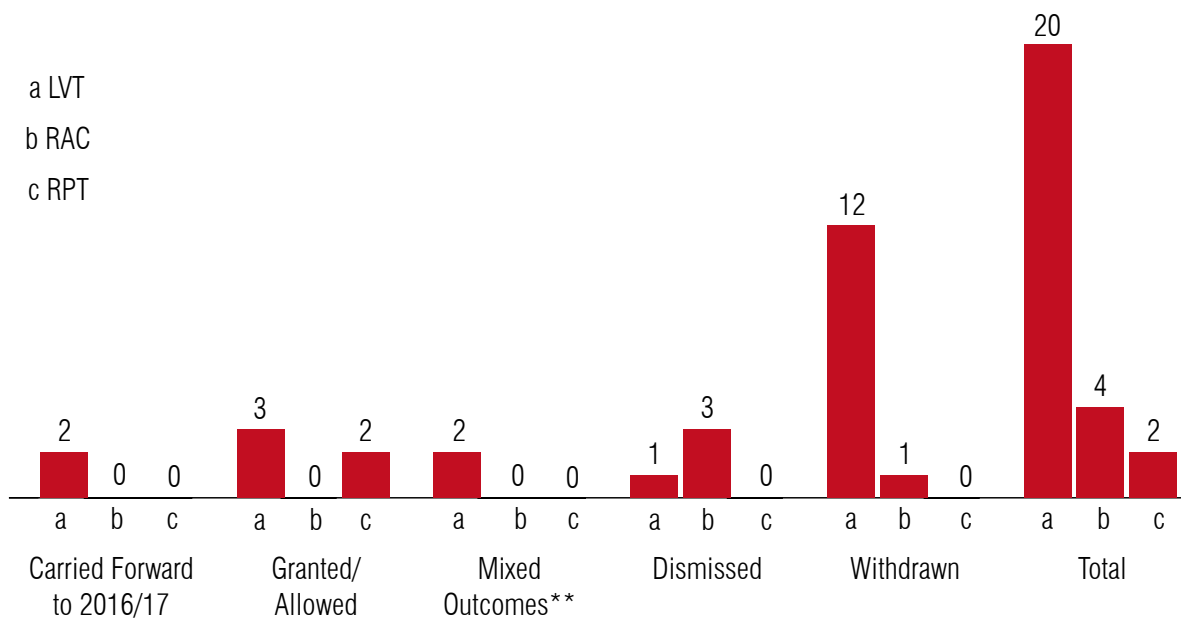
A finalised case is an application which has been completed either through:

- withdrawal by the applicant; or
- a hearing resulting in the Tribunal making a decision in respect of the application.



** Mixed outcomes – when part, but not all, of the application is granted.

2.4 The outcomes of the applications carried over from 2014/15



** Mixed outcomes – when part, but not all, of the application is granted.

2.5 Number of Applications received in 2015-2016 by Type and Outcome

Leasehold Valuation Tribunals

Type	Carried Forward	Granted/ Allowed	Mixed Outcomes	Dismissed	Withdrawn	Total
Leasehold Disputes						
Clara Sch 11	0	0	0	0	0	0
Clara Sec 168(4)	1	0	0	0	0	1
Clara Ch 1	1	0	0	0	1	2
L&T Sec 20C	0	0	0	0	0	0
L&T Part IV	1	0	0	0	0	1
L&T Sec 24	0	0	0	0	0	0
Leasehold Service Charge						
L&T Sec 27 A	11	2	2	2	2	19
L&T Sec 20 ZA	0	1	0	1	1	3
Leasehold Enfranchisement						
LRA Sec 21(1) (ba)	0	0	0	0	0	0
LRA Sec 21(1)(a)	1	1	1	0	1	4
LRH&UD – leasehold renewal	7	0	3	0	5	15
LRH&UD – Missing Landlord	1	0	0	0	0	1
LRH&UD – Costs	1	1	1	0	0	3
LRH&UD – Enfranchisement	3	1	3	0	6	13
Tenants Association						
L&T Sec 29	0	0	0	0	0	0
Other						
LRH&UD Sec 21	0	0	0	0	0	0
LVT Fees waiver	0	0	0	0	0	0
LRA Sec 15	1	0	0	0	0	1
Total	28	6	10	3	16	63

Rent Assessment Committees

Type	Carried Forward	Granted/ Allowed	Mixed Outcomes	Dismissed	Withdrawn	Total
Housing Act Sec 13(4)	8	2	0	1	0	11
Housing Act Sec 22(1)	0	0	0	0	1	1
Housing Act Sec 6(3)	0	0	0	0	0	0
Fair Rents	4	3	3	3	2	15
Total	12	5	3	4	3	27

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 Management Orders	1	0	0	0	0	1
LA RRO	0	6	0	0	0	6
Temporary exemption	0	0	0	0	0	0
Overcrowding	0	0	0	0	0	0
HMO decisions	1	0	0	1	1	3
Licence decisions	0	0	0	0	0	0
Refuse improvement notice	0	0	0	0	0	0
Improvement notices	0	0	1	1	0	2
LA Recovery of expenses	0	0	0	0	1	1
Park Homes						
Fees waiver	0	0	0	0	0	0
Section 7(4)(b)	0	0	0	0	0	0
Section 12(2)	0	0	0	0	0	0
Section 14(1)	0	0	0	0	0	0

Type	Carried Forward	Granted/ Allowed	Mixed Outcomes	Dismissed	Withdrawn	Total
Sections 17(2) & 23(1)	0	0	0	0	0	0
Sections 21(9) & 23(1)	0	0	0	0	0	0
Sections 22(7) & 23(1)	0	0	0	0	0	0
Section 28(2)	0	0	0	0	0	0
Section 29(6)	0	0	0	0	0	0
Section 30(5)	0	0	0	0	0	0
Section 33(6)(c)	0	0	0	0	0	0
Section 49(5)	0	0	0	0	0	0
Section 50(2)	0	0	0	0	0	0
Section 50(3)(a) or 50(3)(b)	0	0	0	0	0	0
Section 54	1	0	0	0	0	1
Sch 2 Ch 2 Para 7(1)(a)	0	0	0	0	0	0
Sch 2 Ch 2 Paras 5, 6, 7(1)(b)	0	0	0	0	0	0
Sch 2 Ch 2 Para 10(3)	0	0	0	0	0	0
Sch 2 Ch 2 Para 13(3)	0	1	0	0	0	1
Sch 2 Ch 4 Para 42(8)	0	0	0	0	0	0
Sch 2 Ch 2 Paras 14(1)&(2)	0	0	0	0	0	0
Sch 2 Ch 2 Paras 14(3)	0	0	0	0	0	0
Sch 2 Ch 2 Paras 17(1)(b) & 17(6)(a)	0	0	0	0	0	0
Sch 2 Ch 2 Para 18(1)(a)(iii)	0	0	0	0	0	0
Sch 2 Ch 2 Paras 17(15) & (16)	0	0	0	0	0	0

Type	Carried Forward	Granted/ Allowed	Mixed Outcomes	Dismissed	Withdrawn	Total
Sec 52(9) & (10) and Regulation 10(1) MHR	1	1	3	0	0	5
Sec 52(9) & (10) and Regulation 17(1) MHR	0	0	0	0	0	0
Total	4	8	4	2	2	20

During 2015-2016 there were 35 hearing days in RPT Wales. Hearing days are when a panel convene to hear evidence from the parties relevant to that application:

Type	Length (in days)
Leasehold Valuation Tribunals	21 Hearing days
Rent Assessment Committees	5 Hearing days
Residential Property Tribunals	9 Hearing days

There were 17 paper conferences which took place. Paper conferences are when the panel convene without the parties present to make a decision. Of these, 8 were for the Rent Assessment Committee, 8 were for the Leasehold Valuation Tribunal and 1 for the Residential Property Tribunal.

There were also 4 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.

The Tribunal received 2 applications during 2015-2016.

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 issued with Tribunal decisions.

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 100% 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 94% of cases
Target: 100% of notice of hearing issued within 20 working days of the hearing	➔	Target achieved in 100% of cases
Target: 90% of decisions issued within 30 working days of the hearing	➔	Target achieved in 86% 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 2015-2016.

Section 3 – Our Customers

In this section:

- Customer satisfaction survey

The Tribunal strives to improve customer service delivery and aim 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 issues a customer satisfaction form with its decisions but received no completed forms during 2015-2016.

Section 4 – Business Priorities

In this section:

- Business priorities for 2016- 2017

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 2016-2017

- 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.
- Deliver an effective and efficient service, meeting key performance indicators.
- Organise annual training conference for tribunal members, identifying and responding to training needs including training in new legislation.
- Identify and plan appraisal of tribunal members.
- Ensure that the Tribunal is ready to implement the Welsh language standards.
- Recruit surveyor members to the south east Wales region.

Section 5 – Expenditure

In this section:

- Expenditure for 2015-2016

Expenditure for 2015-2016

Content	Amount*
Members Fees & Expenses	£167,000
Tribunal events (hearing costs)	£1,000
Annual Conference, Induction Training & Appraisals	£32,000
Total	£200,000