

Residential Property Tribunal Wales Annual Report 2016 – 2017

February 2018



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

This has been a difficult year for the tribunal following the very sad and unexpected death of our President Andrew Morris in January 2017. Andrew led the tribunal for over 10 years with a combination of great knowledge, empathy and humour and he is, and will continue to be sadly missed.

The tribunal has dealt with a very wide variety of applications as outlined in this annual report and has continued to perform well. This is an important and exciting time for the law and the devolved tribunals in Wales. The Wales Act 2017 provides for the appointment of a President of Welsh Tribunals and includes provisions in relation to the making of Practice Directions and cross-ticketing for tribunal members.

There are innovative pieces of legislation only in force in Wales in relation to landlord licensing (Rent Smart Wales) under the Housing (Wales) Act 2014 and recourse can be had to the RPT to appeal against such licensing decisions.

I look forward to the tribunal continuing to serve the people of Wales in this area of law and indeed, all our other jurisdictions.

Richard Payne

Vice-President of the Tribunal

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
- Training
- 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;
- Licensing under the Housing (Wales) Act 2014, Rent Smart Wales.

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;
- Housing Act 2004; and
- Housing Act 2014.

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 2016; 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.

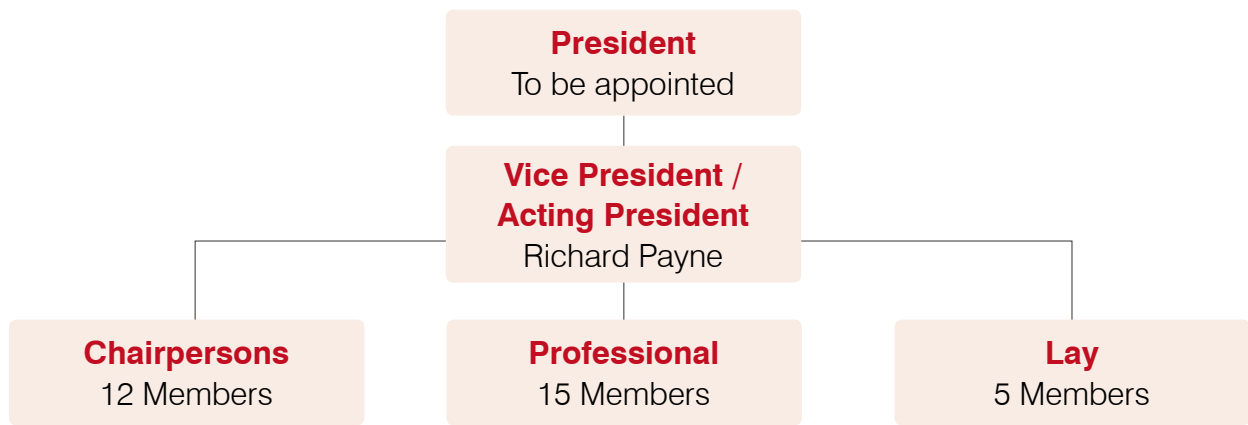
The Tribunal publishes its decisions on the website for the RPT Wales. Decisions of Rent Assessment Committees, Leasehold Valuation Tribunals and Residential Property Tribunals can be appealed on limited grounds to the Upper Tribunal. Permission to appeal to the Upper Tribunal must first be sought from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

The President, Andrew Morris, sadly passed away in January 2017.

Two legal chairpersons retired during 2016-17.

There were no new appointments during 2016-17.

Training

A two day training conference was held for all members during November 2016.

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@gov.wales
Tribunal Website:	www.rpt.gov.wales/

Accessing the Tribunal

The Tribunal is happy to communicate with you in Welsh or English. 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 2016-2017

During the year April 2016 to March 2017 the tribunal received a total of 130 applications. The Tribunal also carried forward 54 applications from 2015-2016. The tribunal registered all 130 applications during 2016-2017.

The chart below shows the numbers in each tribunal jurisdiction received and registered in 2016-2017 and the applications carried over from 2015-16.



2.2 Number of Applications Registered in 2016-2017 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	2016-17
Leasehold Disputes	
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	3
Chapter 1, The Common-hold and Leasehold Reform Act 2002 – Right to Manage	11
Section 20 C, Landlord & Tenant Act 1985 – Recovery of Costs	10
Part IV, Landlord & Tenant Act 1985 – Variation of Lease(s)	1
Section 24, Landlord & Tenant Act 1985 – Appointment of Manager	3
Leasehold Service Charge	
Section 27 A, Landlord & Tenant Act 1985 – Service Charges	16
Section 20 ZA, Landlord & Tenant Act 1985 – Dispensation of all or any of the Consultation Requirements	7
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	3
Leasehold Reform Housing & Urban Development Act 1993 – Leasehold Renewal	10
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	3
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	0
Fees waiver	0
Section 15, Leasehold Reform Act 1967 – Ground Rent Review	0
Estate charges – Liability to Pay	1
Total	74

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	2016-17
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	1
Fair Rents – Referrals from the Rent Officer	25
Total	33

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.

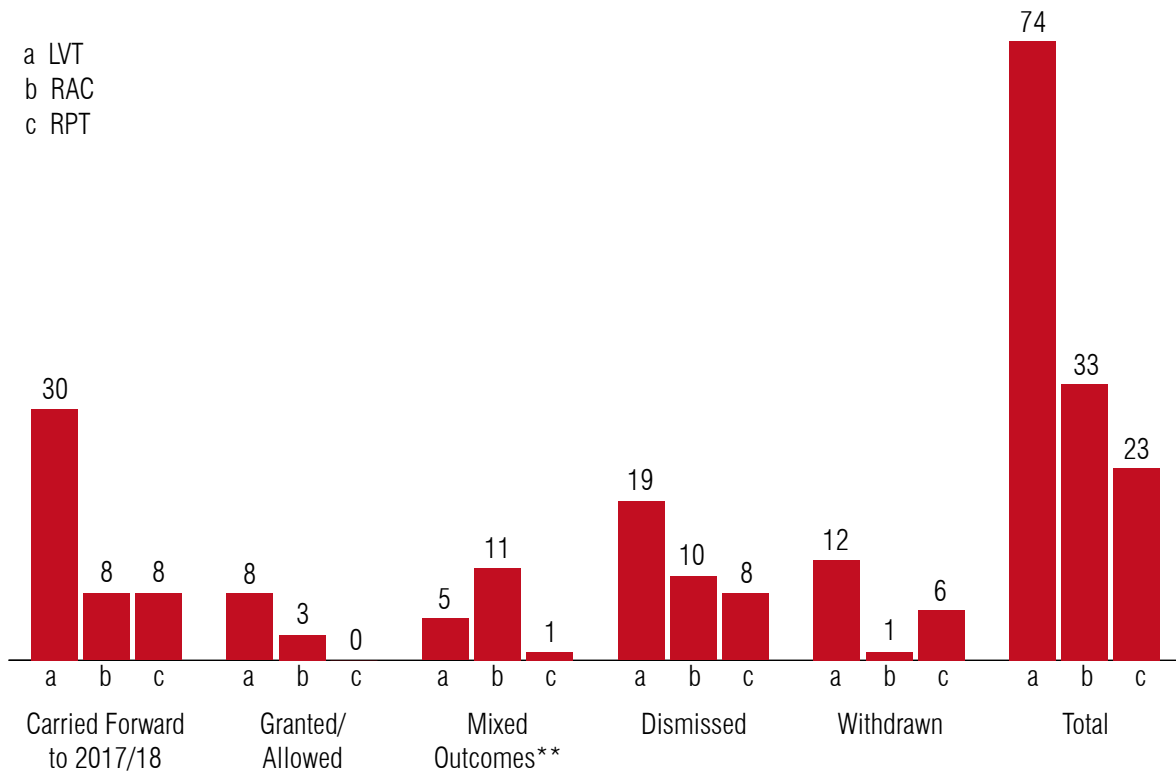
Appeals Registered by Type	2016-17
Management Orders	
Management orders	0
Empty dwelling Management Orders	1
Local Authority Rent Repayment Order	2
Temporary exemption	0
Overcrowding	0
Houses of Multiple Occupancy decisions	0
Housing Act 2004 – Section 27 – Refusal to Grant Licence	6
Refuse improvement notice	0
Improvement notices	5
Local Authority Recovery of expenses	0
Mobile 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	2
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	2016-17
Mobile Homes – Mobile Homes (Wales) Act 2013 (continued)	
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	4
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	1
Schedule 2 Chapter 2 Para 13(3) – Refusal order to prevent gift	0
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	0
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	1
Total	23

2.3 Number of Applications 2016-2017 by Outcome

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

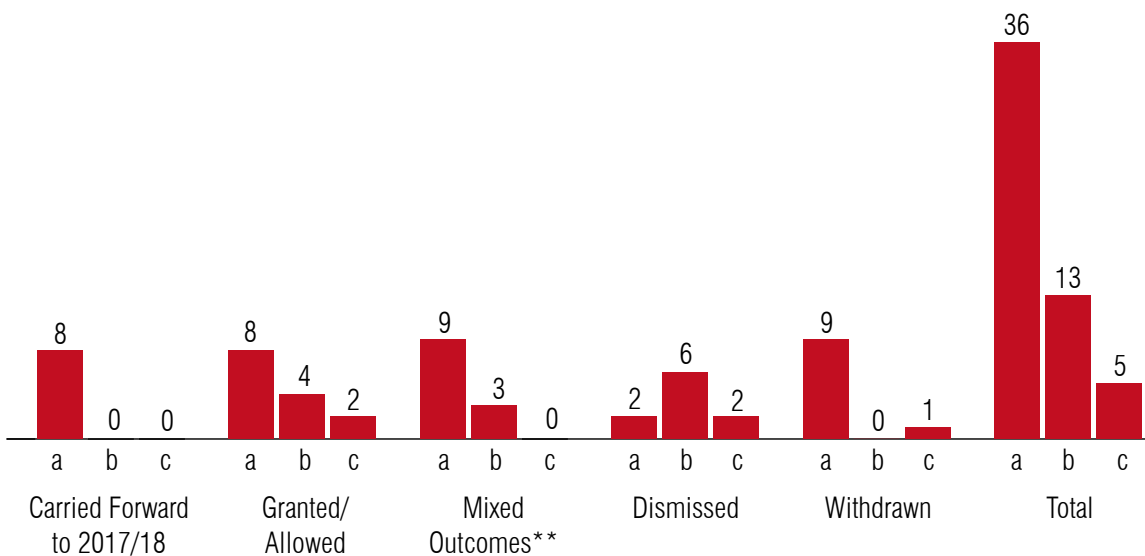
- withdrawal by the applicant; or
- a hearing resulting in the Tribunal making a decision in respect of the application.



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

2.4 The outcomes of the applications carried over from 2016/17

a LVT
b RAC
c RPT



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

2.5 Number of Applications received in 2016-2017 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	1	0	1
Clara Sec 168(4)	0	1	1	0	1	3
Clara Ch 1	1	0	0	10	0	11
L&T Sec 20C	10	0	0	0	0	10
L&T Part IV	0	0	0	0	1	1
L&T Sec 24	1	0	0	1	1	3
Leasehold Service Charge						
L&T Sec 27 A	10	1	0	2	3	16
L&T Sec 20 ZA	3	4	0	0	0	7
Leasehold Enfranchisement						
LRA Sec 21(1) (ba)	0	0	0	0	0	0
LRA Sec 21(1)(a)	1	1	0	0	1	3
LRH&UD – leasehold renewal	2	0	4	1	3	10
LRH&UD – Missing Landlord	0	1	0	0	0	1
LRH&UD – Costs	0	0	0	2	1	3
LRH&UD – Enfranchisement	0	0	0	0	1	1
Collective Enfranchisement	1	0	0	1	0	2
Tenants Association						
L&T Sec 29	0	0	0	1	0	1
Other						
LRH&UD Sec 21	0	0	0	0	0	0
Estate Charges	1	0	0	0	0	1
LVT Fees waiver	0	0	0	0	0	0
LRA Sec 15	0	0	0	0	0	0
Total	30	8	5	19	12	74

Rent Assessment Committees

Type	Carried Forward	Granted/ Allowed	Mixed Outcomes	Dismissed	Withdrawn	Total
Housing Act Sec 13(4)	4	1	0	1	0	6
Housing Act Sec 22(1)	1	0	0	0	0	1
Housing Act Sec 6(3)	1	0	0	0	0	1
Fair Rents	2	2	11	9	1	25
Total	8	3	11	10	1	33

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	0	0	0	0	1	1
Local Authority Rent Repayment Orders	1	0	0	1	0	2
Temporary exemption	0	0	0	0	0	0
Overcrowding	0	0	0	0	0	0
HMO decisions	0	0	0	0	0	0
Refusal to grant license (s.27)	1	0	0	3	2	6
Refuse improvement notice	0	0	0	0	0	0
Improvement notices	0	0	0	0	0	0
LA Recovery of expenses	2	0	1	1	1	5

Type	Carried Forward	Granted/ Allowed	Mixed Outcomes	Dismissed	Withdrawn	Total
Mobile Homes						
Fees waiver	0	0	0	0	0	0
Section 7(4)(b)	0	0	0	0	0	0
Section 12(2)	1	0	0	0	1	2
Section 14(1)	0	0	0	0	0	0
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	2	0	0	1	1	4
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	1	0	1
Sch 2 Ch 2 Para 13(3)	0	0	0	0	0	0
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	1	0	1

Type	Carried Forward	Granted/ Allowed	Mixed Outcomes	Dismissed	Withdrawn	Total
Mobile Homes						
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
Sec 52(9) & (10) and Regulation 10(1) MHR	1	0	0	0	0	1
Sec 52(9) & (10) and Regulation 17(1) MHR	0	0	0	0	0	0
Total	8	0	1	8	6	23

During 2016-2017 there were 42 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	22 Hearing days
Rent Assessment Committees	6 Hearing days
Residential Property Tribunals	14 Hearing days

There were 20 paper conferences which took place. Paper conferences are when the panel convene without the parties present to make a decision. Of these, 12 were for the Rent Assessment Committee, 8 were for the Leasehold Valuation Tribunal and 0 for the Residential Property Tribunal.

There were also 7 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 4 applications during 2016-2017. Of these applications, 3 were not upheld by the Upper Tribunal and 1 is ongoing.

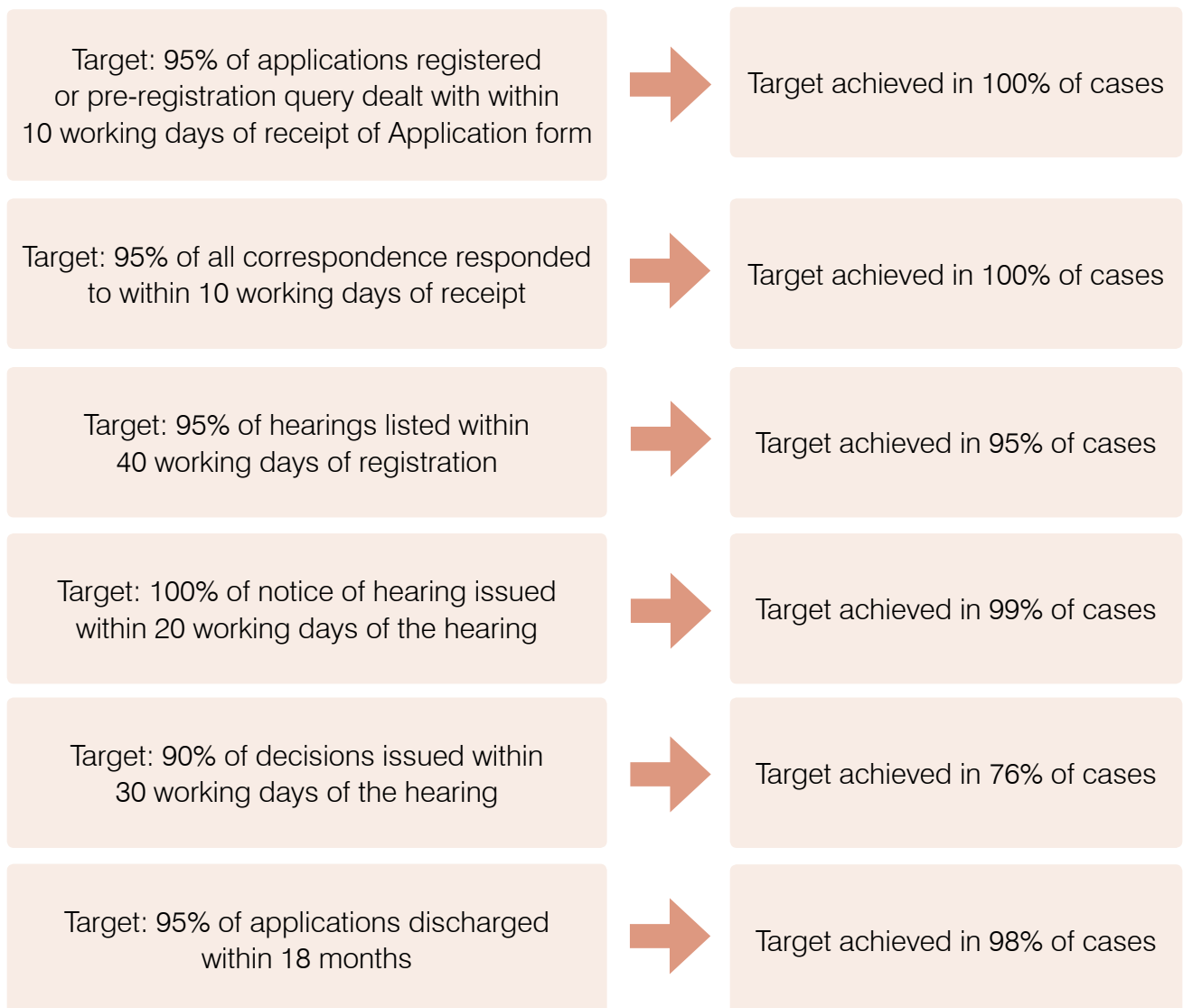
Achievement against key performance indicators

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



Complaints

The Tribunal received 3 formal complaints during the 2016-2017. All 3 complaints were not upheld by the acting President of the Tribunal.

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 2016-2017.

Section 4 – Business Priorities

In this section:

- Business priorities for 2017-2018

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 2017-2018

- 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.
- Recruit surveyor members to the south Wales region.

Section 5 – Expenditure

In this section:

- Expenditure for 2016-2017

Expenditure for 2016-2017

Content	Amount*
Running costs including members' fees, travel & subsistence costs, and venue costs	£159,000
Annual Conference, Induction Training & Appraisals	£34,000
Total	£193,000

*rounded to the nearest £1,000