Residential Property Tribunal Wales Annual Report Year 2019 – 2020



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Foreword

The RPT for Wales, in its present form and its many previous incarnations, including the Rent Assessment Committee, had, since the early 1970's I believe, been based at Southgate House in the centre of Cardiff. It was therefore quite a wrench to move from our old premises to our current location in Oak House, Cleppa Park on the outskirts of Newport in June 2019. This was the biggest organisational change in the tribunal for many years. Although our current location is undeniably not as central as previously, the facilities for our users and litigants are far superior.

In the old premises we had a small and stuffy hearing room and there were inadequate facilities for our users. We now have a large airy hearing room and additional rooms for our users and their legal representatives to speak in private. There is also ample free parking and for public transport users we are on several bus routes. As ever, I wish to thank the tribunal's administration and particularly our Business Manager for managing the move as well as keeping the tribunal operating efficiently throughout the last financial year. I take this opportunity too, to pay tribute and thank the tribunal's members who continue to work co-operatively and efficiently in discharging their duties.

The tribunal continues to be busy with a wide range of work as reflected within the body of this report. As testimony to the quality of our judges, Andrew Sheftel was appointed as a full time salaried judge with the First Tier Tribunal in London and we were sorry to lose his services. It was with reluctance that I accepted the resignation of Rhys Taylor in June 2019, another talented tribunal judge who is a great loss to us as he concentrates on his thriving private practice. I wish to thank both Andrew and Rhys for their past contributions to our work and wish them every future success.

On the plus side, we benefited from the talent pool within the Welsh Tribunals judiciary and welcome new tribunal judges Robin Phillips and Claire Jones after a cross ticketing exercise in accordance with the Wales Act 2017. We also welcome tribunal judge Colin Green who was successfully cross-ticketed in from the First tier Tribunal in England. In November 2019 we held a successful conference near Conwy, the first time that the RPT has held its conference in North Wales, but it will certainly not be the last.

October 2019 also saw the report of the Commission on Justice in Wales "Justice in Wales for the People of Wales" which contains many radical and thought provoking recommendations for the future of the devolved tribunals and for the justice system as a whole. The Law Commission are also due to study and report on the operation of the devolved tribunals including this one later in 2020 and 2021 and I await their recommendations with interest.

At the time of writing, the tribunal, in common with much of Wales and the UK is in lockdown owing to the COVID 19 pandemic. Necessity is proving the mother of invention however as the tribunal adapts to incorporating new methods to allow us to continue our work, such as virtual digital hearing rooms, so that we can continue to serve our litigants and the people of Wales.

Richard Payne

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
- 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:

- Landlord and Tenant Act 1985;
- Landlord and Tenant Act 1987;
- 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;
- Housing Act 2004, and
- Housing (Wales) 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

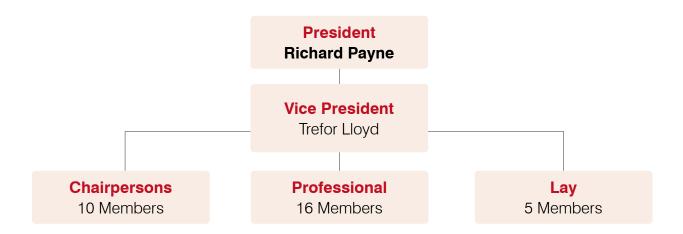
knowledge and experience to each hearing.

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

There were three new appointments via cross ticketing of Chairpersons during 2019-20.

Training

The tribunal held its annual training course on 11th and 12th November 2019 at the Deganwy Quay Hotel, Deganwy, North Wales.

Contacting the Tribunal

The Tribunal's contact details are as follows:

Tribunal Address: Residential Property Tribunal Wales

Oak House Cleppa Park Newport NP10 8BD

Tribunal Helpline: 03000 252777
Tribunal E-mail: rpt@gov.wales
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, 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.

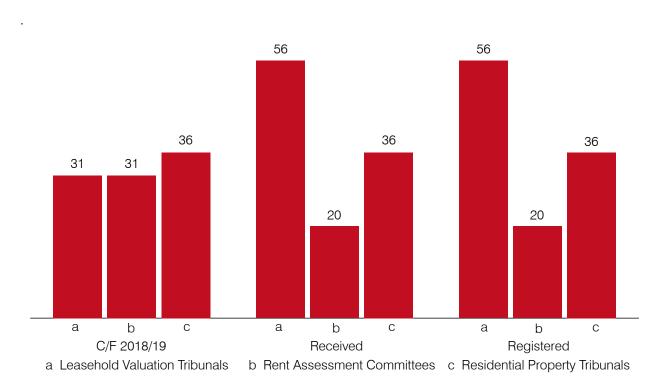
The following statistics are collated:

- 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 2019-2020

During the year April 2019 to March 2020 the tribunal received a total of 112 applications. The Tribunal also carried forward 98 applications from 2018-2019. The tribunal registered all 112 applications during 2019-2020.

The chart below shows the numbers in each tribunal jurisdiction received and registered in 2019-2020 and the applications carried over from 2018-2019.



2.2 Number of Applications Registered in 2019-2020 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	2019-20
Leasehold Disputes	
Chapter 1, The Common-hold and Leasehold Reform Act 2002 – Right to Manage	1
Schedule 11, The Common-hold and Leasehold Reform Act 2002 – Determination Liability to Pay or Variation of Administration Charge	
Section 168 (4), The Common-hold and Leasehold Reform Act 2002, Breach of Covenant or Condition in Lease	7
Estate charges – liability to pay	
Section 20 C, Landlord & Tenant Act 1985 – Recovery of Costs	
Part IV, Landlord & Tenant Act 1985 - Variation of Lease(s)	1
Section 24, Landlord & Tenant Act 1985 – Appointment of Manager	2
Leasehold Service Charge	
Section 27 A, Landlord & Tenant Act 1985 – Service Charges	15
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	1
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	6
Leasehold Reform Housing & Urban Development Act 1993 – Reasonable Costs	2
Leasehold Reform Housing & Urban Development Act 1993 – Enfranchisement	0
Leasehold Reform Housing & Urban Development Act 1993 – Collective Enfranchisement	1
Tenants Association	
Section 29, Landlord & Tenant Act 1985 – Recognition of Tenants' Association	0
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
Total	56

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	2019-20
Section 13 (4) Housing Act 1988 – Notice Proposing New Rent	13
Section 22 (1), Housing Act 1988 – Determination of Rent Assured Short-hold Tenancy	0
Section 6 (3), Housing Act 1988 – Notice Proposing Different Terms	
Fair Rents – Referrals from the Rent Officer	7
Total	20

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.

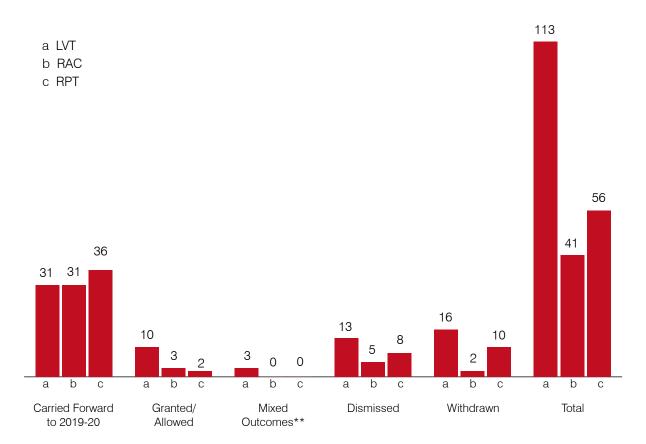
Appeals Registered by Type	2019-20
Management Orders	
Management orders	0
Empty dwelling Management Orders	0
Local Authority Rent Repayment Order	6
Temporary exemption	0
Overcrowding	1
Houses of Multiple Occupancy decisions	4
Housing Act 2004 – Section 27 – Refusal to Grant Licence	9
Improvement notices	8
Local Authority Recovery of expenses	1
Mobile Homes – Mobile Homes (Wales) Act 2013	
Fees waiver	
Section 7(4)(b) – Site Licence – decision to issue	
Section 12(2) – Site Licence – decision to apply conditions	1
Section 14(1) – variation or refusal of condition of license by local authority	
Sections 17(2) & 23(1) – Compliance notice by local authority	
Sections 21(9) & 23(1) – Emergency action by the local authority	
Sections 22(7) & 23(1) – local authority's demand for expenses	
Section 28(2) – Person managing site is not a fit and proper person	
Section 29(6) – Local authority's decision that a person is not a fit and proper person	
Section 30(5) – Local authority's decision to appoint an interim manager	

Appeals Registered by Type	2019-20
Mobile Homes – Mobile Homes (Wales) Act 2013 (continued)	
Section 33(6)(c) – Repayment order, by an occupier of an unlicensed site	
Section 49(5) – Written statement of terms of agreement	
Section 50(2) – Agreement of terms re matters Part 2 of Sch 2	
Section 50(3)(a) or 50(3)(b) – Implied terms vary/delete	
Section 54 – any other matter under the act	4
Schedule 2 Chapter 2 Para 7(1)(a) or Chapter 4 Para 40(1)(a) – Detrimental effect	
Schedule 2 Chapter 2 Paras 5, 6, 7(1)(b) – Termination of agreement	
Schedule 2 Chapter 2 Para 10(3) – Refusal order Site Owner	2
Schedule 2 Chapter 2 Para 13(3) – Refusal order to prevent gift	
Schedule 2 Chapter 4 Para 42(8) – assignment of the occupier's agreement is approved	
Schedule 2 Chapter 2 Paras 14(1)&(2) – temporary relocation of mobile home to another pitch	
Schedule 2 Chapter 2 Paras 14(3) – order for mobile home to be returned to its original pitch	
Schedule 2 Chapter 2 Paras 17(1)(b) & 17(6)(a) – determination of a new pitch fee	
Schedule 2 Chapter 2 Para 18(1)(a)(iii) – improvements to be taken account when pitch fee is reviewed	
Schedule 2 Chapter 2 Paras 17(15) & (16) – owner to re-pay the difference between the old and new pitch fees	
Section 52(9) & (10) and Regulation 10(1) of the Mobile Homes Regulations 2014 – proposed, making varying or deletion of the site rules	
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	
Total	36

2.3 Number of Applications 2019-2020 by Outcome

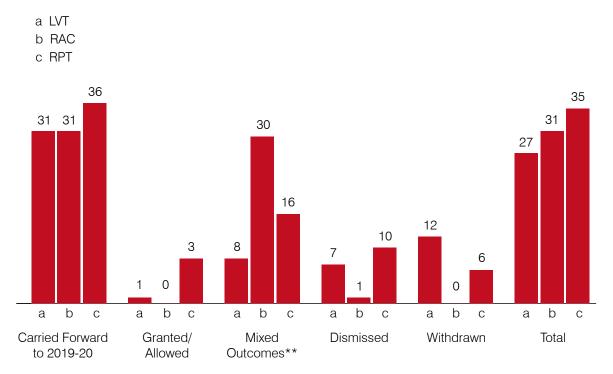
A finalised case is an application which has been completed either through:

- 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 2018-2019



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

2.5 Number of Applications received in 2019-2020 by Type and Outcome

Leasehold Valuation Tribunals

Туре	Carried Forward	Granted/ Allowed	Mixed outcomes	Dismissed	Withdrawn	Total
Leasehold Disputes	<u> </u>	1	1	1	1	1
Clara Sch 11	0	0	0	0	0	0
Clara Sec 168(4)	1	1	0	4	1	7
Clara Ch 1	0	1	0	0	0	1
L&T Sec 20C	0	0	0	0	0	
L&T Part IV	0	0	0	0	1	1
L&T Sec 24	1	1	0	0	0	2
Leasehold Service Cha	irge					
L&T Sec 27 A	8	0	2	2	3	15
L&T Sec 20 ZA	2	3	0	0	2	7
Leasehold Enfranchise	ment					
LRA Sec 21(1)(ba)	0	0	0	0	1	1
LRA Sec 21(1)(a)	0	0	0	0	3	3
LRH&UD – leasehold renewal	0	0	0	6	4	10
LRH&UD – Missing Landlord	2	4	0	0	0	6
LRH&UD – Costs	0	0	1	1	0	2
LRH&UD – Enfranchisement	0	0	0	0	0	0
Collective Enfranchisement	0	0	0	0	1	1
Tenants Association						
L&T Sec 29	0	0	0	0	0	0
Other						
LRH&UD Sec 21	0	0	0	0	0	0
Estate Charges	0	0	0	0	0	0
LVT Fees waiver	0	0	0	0	0	0
LRA Sec 15	0	0	0	0	0	0
Total	14	10	3	13	16	56

Rent Assessment Committees

Туре	Carried Forward	Granted/ Allowed	Mixed outcomes	Dismissed	Withdrawn	Total
Housing Act Sec 13(4)	8	1	0	4	0	13
Housing Act Sec 22(1)	0	0	0	0	0	0
Housing Act Sec 6(3)	0	0	0	0	0	0
Fair Rents	2	2	0	1	2	7
Total	10	3	0	5	2	20

Residential Property Tribunals

Туре	Carried Forward	Granted/ Allowed	Mixed outcomes	Dismissed	Withdrawn	Total
Management Orders					1	
Management orders	0	0	0	0	0	0
Empty dwelling Management Orders	0	0	0	0	0	0
Local Authority Rent Repayment Orders	0	1	0	0	5	6
Temporary exemption	0	0	0	0	0	0
Overcrowding	1	0	0	0	0	1
HMO decisions	3	0	0	1	0	4
Refusal to grant license (s.27)	4	0	0	4	1	9
Improvement notices	4	1	0	1	2	8
Local Authority Recovery of expenses	0	0	0	1		1
Mobile Homes			-			
Fees waiver	0	0	0	0	0	0
Section 7(4)(b)	0	0	0	0	0	0
Section 12(2)					1	1
Section 14(1)	0	0	0	0	0	0

Туре	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	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 Ch2 Para 10(3)	1	0	0	0	1	2
Sch 2 Ch2 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	0	0	0
Sch 2 Ch 2 Para 18(1)(a)(iii)	0	0	0	0	0	0
Sch2 Ch 2 Paras 17(15) & (16)	0	0	0	0	0	0

Туре	Carried Forward	Granted/ Allowed	Mixed outcomes	Dismissed	Withdrawn	Total
Sec 52(9) & (10) and Regulation 10(1) MHR	0	0	0	0	0	0
Sec 52(9) & (10) and Regulation 17(1) MHR	0	0	0	0	0	0
Total	15	2		8	11	36

During 2019-2020 there were 39 hearing days in RPT Wales. Hearing days are when a panel convene to hear evidence from the parties relevant to that application:

Туре	Length (in days)
Leasehold Valuation Tribunals	20 Hearing days
Rent Assessment Committees	3 Hearing day
Residential Property Tribunals	16 Hearing days

There were 42 paper conferences which took place. Paper conferences are when the panel convene without the parties present to make a decision. Of these, 30 were for the Rent Assessment Committee, 11 were for the Leasehold Valuation Tribunal and 1 for the Residential Property Tribunal.

There were also 2 Pre-Trial Reviews which took place one for the Residential Property Tribunal and one for the Leasehold Valuation Tribunal. A Pre-Trial-Review is a meeting between all parties to discuss further actions required on their applications.

A further 7 hearings were due to take place during March 2020. These were postponed due to the current COVID-19 situation.

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.

There were 13 appeal applications during 2019-2020. All appeal requests were refused. 7 appeals were made to the Upper Tribunal, 6 were refused, 1 appeal was allowed of which we are awaiting the outcome.

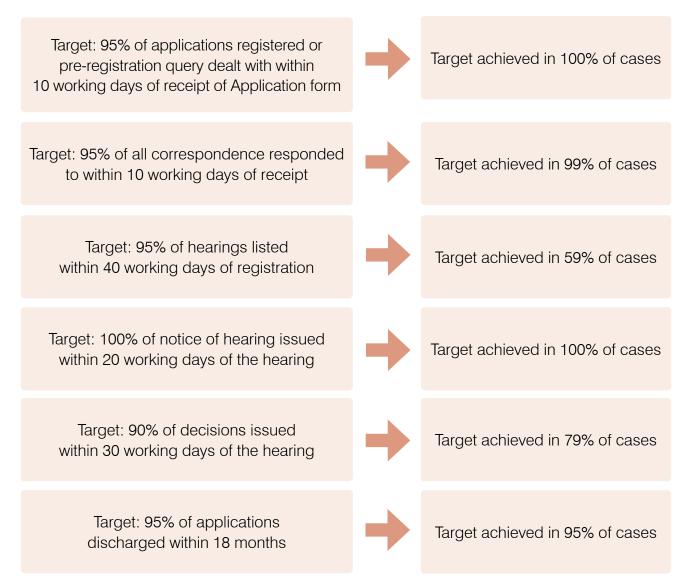
Achievement against key performance indicators

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 no formal complaints during 2019-2020.

Section 3 – Our Customers

In this section, our:

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 2019-2020.

Section 4 – Business Priorities

In this section, our:

Business priorities for 2020- 2021

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 2020-2021

- 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 legal members to the tribunal.

Section 5 – Expenditure

In this section, our:

• Expenditure for 2019-2020

Expenditure for 2019-2020

Content	Amount*
Member fees & Expenses (proceedings and training)	£205,520
Tribunal events (venue costs)	£8,651
Other running costs	£2,832
Total	£217,004

^{*} rounded to the nearest £1,000