

RESIDENTIAL PROPERTY TRIBUNAL FOR WALES

PRACTICE DIRECTION

CORONA VIRUS (COVID 19)

Background.

1. This Practice Direction is made jointly by the President of Welsh Tribunals and the President of the Residential Property Tribunal Wales pursuant to section 61 of the Wales Act 2017 and relates to the measures that have been put in place as a result of the Covid 19 pandemic.
2. The term Residential Property Tribunal for Wales (RPTW) is used in this Practice Direction as an umbrella term to refer to the applications and cases that are brought to the tribunals specified in and pursuant to the regulations specified at paragraph 5 below.
3. It was and is necessary during the Covid 19 pandemic for the RPT to continue to work and to determine applications made to it, but to adjust previous working practices in order to operate safely for tribunal users, staff and members. The changes are likely to remain in many respects with limited opening of the tribunal office, caution in the use of face to face hearings, and staff continuing to work at home.
4. This Practice Direction will remain in force for the foreseeable future from the date hereof but will be reviewed on a periodical basis.
5. There are currently three sets of regulations that are applicable to the tribunal's work.
 - i) The Residential Property Tribunal Procedures and Fees (Wales) Regulations 2016 (SI 2016/1110 (W 267)) ("the RPT regulations") which govern the work of and applications to the Residential Property Tribunal (RPT).
 - ii) The Leasehold Valuation Tribunals (Procedure) (Wales) Regulations 2004 (SI 2004/681 (W 69)) ("the LVT regulations") which govern the work of and applications to the Leasehold Valuation Tribunal (LVT).
 - iii) The Rent Assessment Committees (England and Wales) Regulations 1971 (SI 1971/1065) as amended ("the RAC regulations") which govern applications to the Rent Assessment Committee (RAC).

Applications to the tribunal and communication with the tribunal.

6. Applications to and all communications with RPTW should, if at all possible be made via e mail to rpt@gov.wales. Application forms can be found on the RPT website <https://residentialpropertytribunal.gov.wales/>. Application fees, where applicable, can now be paid electronically by bank transfer as well as by cheque.
7. In exceptional circumstances and/or when an Applicant or Respondent genuinely has no access to email, RPTW will accept a hard copy paper application and hard copy communications. However, the RPTW office will not be staffed on a daily basis and there may be a delay in the processing of paper applications and communications.
8. Any questions about the operation of the tribunal should be addressed to rpt@gov.wales

Hearings.

9. Hearings in the RPT are open to the public. In RPT regulation 30 (1), a hearing must be in public except where the tribunal is satisfied that in the circumstances of the case and subject to the overriding objective, the hearing should be held in private.
10. In the LVT, hearings shall be in public unless in the particular circumstances of the case, the tribunal decide that a hearing or part of a hearing should be in private (LVT regulation 14(6)).
11. In the RAC, hearings shall be in public unless the Committee decide, for special reasons, otherwise (RAC regulation 3(1)).
12. It is the usual practice of RPTW that hearings are to be held in public. The Covid 19 pandemic and associated statutory provisions such as the Coronavirus Act 2020 and the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 as amended, imposed restrictions upon many aspects of everyday life and work. Accordingly, it may not be possible to hold public hearings in the RPTW Hearing room In Newport or at other venues across Wales where parties and witnesses would usually appear in person.
13. Where it is not possible to hold public hearings in person, hearings will be held and conducted remotely via Cloud Video Platform (CVP), provided by the Welsh Tribunals Unit. No special or additional software is required to take part in a CVP hearing. The remote hearing room can be accessed direct from an internet browser on a PC, laptop, tablet or smartphone. Members of the tribunal, as well as parties, advocates and witnesses can be seen and heard via CVP. Hearings will take place by live video link on the CVP platform where a prior direction has been given to that effect by the tribunal.

14. For those parties who do not have access to the internet it may be possible to hold hearings by telephone. In any case in which a direction has been given for a hearing by CVP any party who cannot access the internet must notify RPTW of that fact within 5 working days of receipt of the direction.
15. A list of forthcoming public hearings in the RPT will be published on the RPT's website <https://residentialpropertytribunal.gov.wales/> and where those hearings are to be conducted remotely, full details of how to access the digital hearing room via CVP, and a guide as to its operation, will be sent to the parties and their representatives. Should any member of the public wish to attend remotely and observe a digital hearing he/she can apply to RPTW's Business Manager or Clerk to obtain the necessary details.

Inspections.

16. In many cases before RPTW, an inspection of the property that is the subject of the application, is usually undertaken by the tribunal members. In the current circumstances that may no longer be possible. A decision on inspection will be made by the tribunal panel hearing the particular case.
17. If an inspection is considered desirable then the tribunal will explore all available methods to achieve the same. That may include a drive by inspection, socially distanced external inspections by the tribunal's surveyor member, examination of photographic evidence or streamed video evidence where practical.

Case Management Conferences.

18. In appropriate circumstances RPTW will hold video case management conferences on the CVP platform prior to the final hearing in order to clarify the issues for determination and to deal with any other practical issues which may arise in the special circumstances prevailing.

Hearing bundles, documents and statements.

19. Whilst this Practice Direction remains in force, all statements, documents and hearing bundles prepared in accordance with directions or orders issued by RPTW are to be sent electronically, by email in PDF format, to the tribunal and to the other parties to the case. In exceptional circumstances (which must be fully explained to RPTW) the tribunal may make an order approving the filing and serving of such documents by hard copy in the postal system.

Sir Wyn Williams
President of Welsh Tribunals

Richard Payne
President of the Residential Property Tribunal for Wales

20th September 2021