

**Residential Property
Tribunal Wales
Annual Report
Year 2022 – 2023**



Y Tribiwnlys Eiddo Preswyl
Residential Property Tribunal

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Foreword

As society adjusts to life after the COVID-19 pandemic (although the virus is still very much with us), the future of the tribunal's work is taking shape and does, as I predicted last year, include both face to face oral hearings, video hearings, and a hybrid mixture of the two where the panel and certain participants may be at a hearing venue, and another party or participant may join via video link. This is likely to now be the case for future work, allowing flexibility in the mode of hearing. The tribunal will endeavour to respond to users' wishes although the decision on the method of hearing will remain one for the tribunal.

I wish to thank the tribunal Vice President Trefor Lloyd, and the tribunal staff for their support in the last year. In particular I thank our case administrator for continuing to adapt to the challenging work circumstances despite which, she has ensured that things continue to run smoothly for members and users.

The year 2022-23 has again been one of considerable change. Legally, the long-awaited Renting Homes (Wales) Act 2016 became law on 1 December 2022, dramatically changing the landscape for residential tenancies and landlord and tenant law in Wales. Perhaps the most significant example of divergence here in Wales from the law in England on matters devolved to the Senedd and Welsh government. Whilst wide ranging in scope, the Act's legal consequences are largely being dealt with by our colleagues in the County Court. The ability to challenge a notice of rent increase under the Act will still come to the tribunal in the guise of the Rent Assessment Committee, but only for pre-existing converted contracts, not for new occupation contracts entered into after the Act's implementation, an apparent lacuna in the new legislation.

The end of March 2023 saw the retirement from the role of the first ever President of Welsh Tribunals, Sir Wyn Williams. I wish to pay tribute to Sir Wyn for his contribution to the devolved Welsh Tribunals and to the support that he has offered to me personally, as well as to the RPT and its members. Sir Wyn was able to achieve much of lasting practical benefit to the Welsh tribunals in a relatively short time. All at the RPT wish him well when he retires.

The new President of Welsh Tribunals is Sir Gary Hickinbottom, whose great judicial experience, drive and enthusiasm will be instrumental in steering the devolved tribunals in Wales through the next few years at a time of ongoing change.

Following on from the Law Commission's Report on Devolved Welsh Tribunals, the Welsh government intend to produce a White Paper and a Welsh Tribunals Bill in the current legislative term which will seek to implement many of the Commission's proposals and to re-organise the Welsh Tribunals into a chamber structure similar to that in England. The importance of the devolved tribunals including the RPT, will continue to grow.

In the last year the mandatory retirement age for all members of tribunals has been raised to 75, which ensures that the tribunal can continue to benefit from the wisdom and experience of members who wish to continue serving up until that age.

Unrelated to the rise in the mandatory retirement age, I was saddened to receive the resignation of our longest standing member Paul Lucas, a distinguished chartered surveyor who first joined the tribunal in February 1988. Paul is the doyen of West Wales surveyors and what he didn't know about the residential property market in West Wales and in particular his beloved Pembrokeshire, was not worth knowing. Paul's deep knowledge was accompanied by a charm and rigorous fairness that will be sorely missed by myself and his former colleagues in the tribunal and I pay fulsome tribute to his long service and thank him for it.

After the pandemic years of working from home and remote training events, it was a pleasure to once again hold our conference in person last Autumn and to meet some of our new members for the first time.

The tribunal has continued to perform well for the people of Wales in the past year and I am confident that it is well equipped to continue to do so.

Richard Payne

President

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;
- The Local Government and Housing Act 1989, and
- The Renting Homes (Wales) Act 2016.

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 are encouraged via email but will also 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.

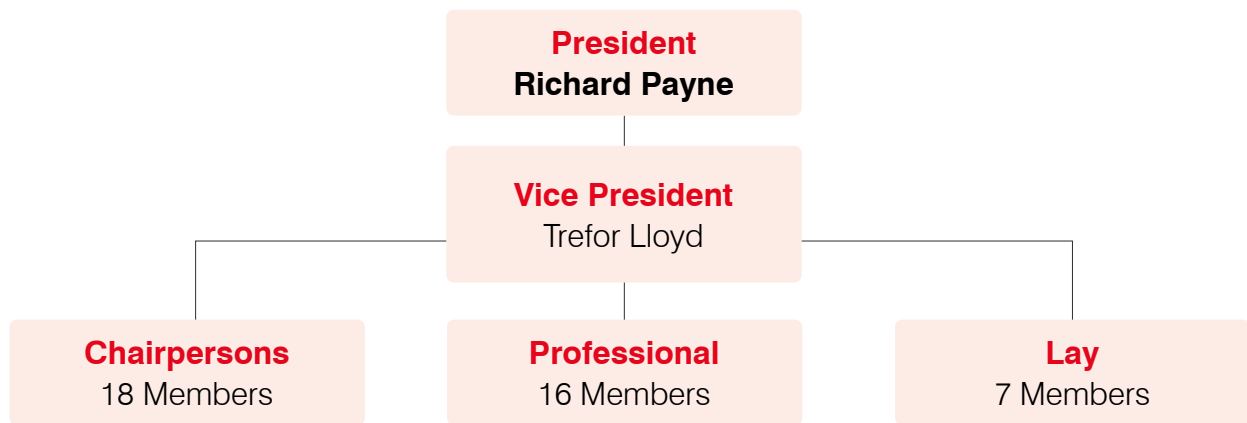
The Tribunal publishes its decisions on the website for the RPT Wales. Decisions of Rent Assessment Committees, Leasehold Valuation Tribunals and Residential Property Tribunals can be appealed on limited grounds to the Upper Tribunal. Permission to appeal to the Upper Tribunal must first be sought from 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 was no member recruitment carried out during the year 2022-2023.

Training

The tribunal held an in-person training in September 2022.

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:	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.

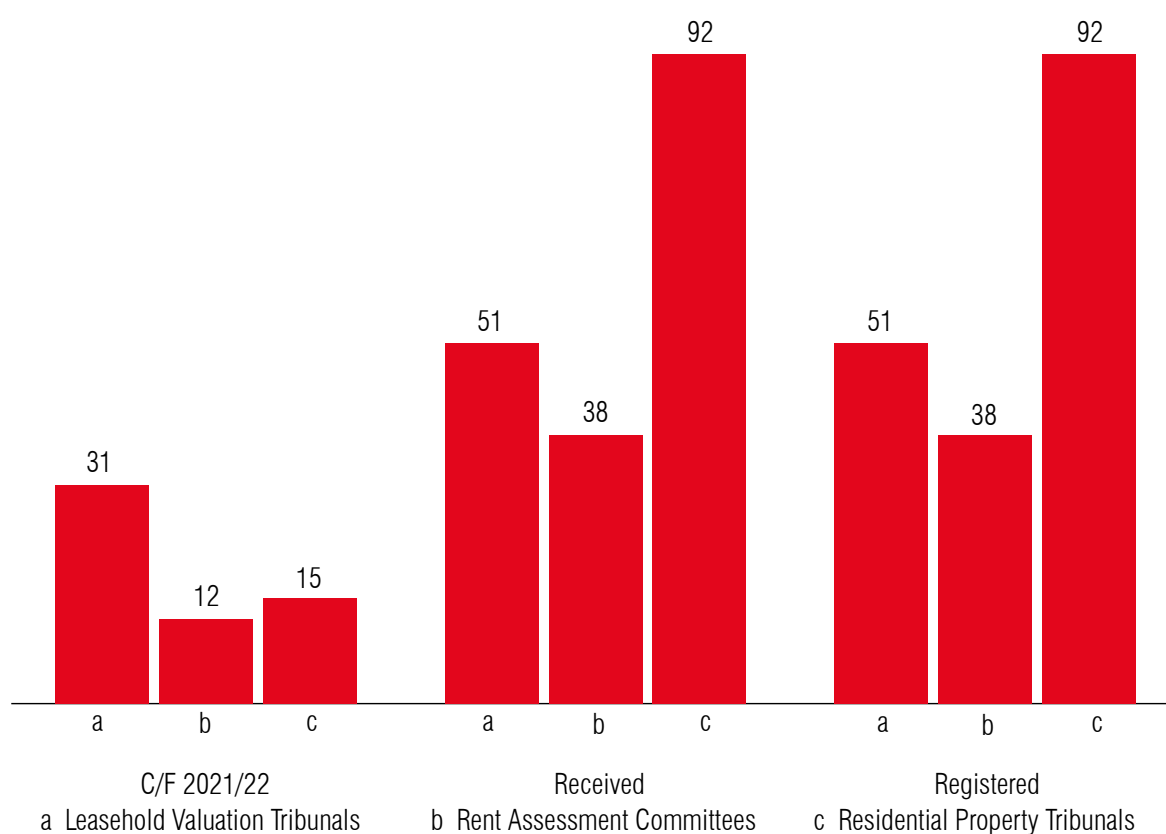
The following statistics are collated:

- 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 2022-2023

During the year April 2022 to March 2023 the tribunal received a total of 181 applications. The Tribunal also carried forward 58 applications from 2021-2022. The tribunal registered all 181 applications during 2022-2023.

The chart below shows the numbers in each tribunal jurisdiction received and registered in 2022-2023 and the applications carried over from 2021-2022.



2.2 Number of Applications Registered in 2022-2023 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	2022-23
Leasehold Disputes	
Chapter 1, The Common-hold and Leasehold Reform Act 2002 – Right to Manage	
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	4
Estate charges – liability to pay	
Section 20 C, Landlord & Tenant Act 1985 – Recovery of Costs	2
Part IV, Landlord & Tenant Act 1985 – Variation of Lease(s)	2
Section 24, Landlord & Tenant Act 1985 – Appointment of Manager	1
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	10
Leasehold Enfranchisement	
Section 21(1)(ba), Leasehold Reform Act 1967 – Reasonable Costs Order	
Section 21(1)(a), Leasehold Reform Act 1967 – Determination of Price Payable	3
Leasehold Reform Housing & Urban Development Act 1993 – leasehold renewal	4
Leasehold Reform Housing & Urban Development Act 1993 – Missing Landlord	4
Leasehold Reform Housing & Urban Development Act 1993 – Reasonable Costs	
Leasehold Reform Housing & Urban Development Act 1993 – Enfranchisement	1
Leasehold Reform Housing & Urban Development Act 1993 – Collective Enfranchisement	
Tenants Association	
Section 29, Landlord & Tenant Act 1985 – Recognition of Tenants’ Association	2
Section 21, Leasehold Reform Housing & Urban Development Act 1993 – Ground Rent & Terms	
Fees waiver	
Section 15, Leasehold Reform Act 1967 – Ground Rent Review	1
Total	51

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	2022-23
Section 13 (4) Housing Act 1988 – Notice Proposing New Rent	25
Section 22 (1), Housing Act 1988 – Determination of Rent Assured Short-hold Tenancy	1
Section 6 (3), Housing Act 1988 – Notice Proposing Different Terms	
Fair Rents – Referrals from the Rent Officer	12
Total	38

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	2022-23
Management orders	
Empty dwelling Management Orders	
Rent Repayment/Rent Stopping Orders	3
Temporary exemption	
Overcrowding	
Houses of Multiple Occupancy decisions	
Housing Act 2004 – Section 27 – Refusal to Grant Licence	6
Improvement notices/prohibition orders	10
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	
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	
Section 33(6)(c) – Repayment order, by an occupier of an unlicensed site	
Section 49(5) – Written statement of terms of agreement	

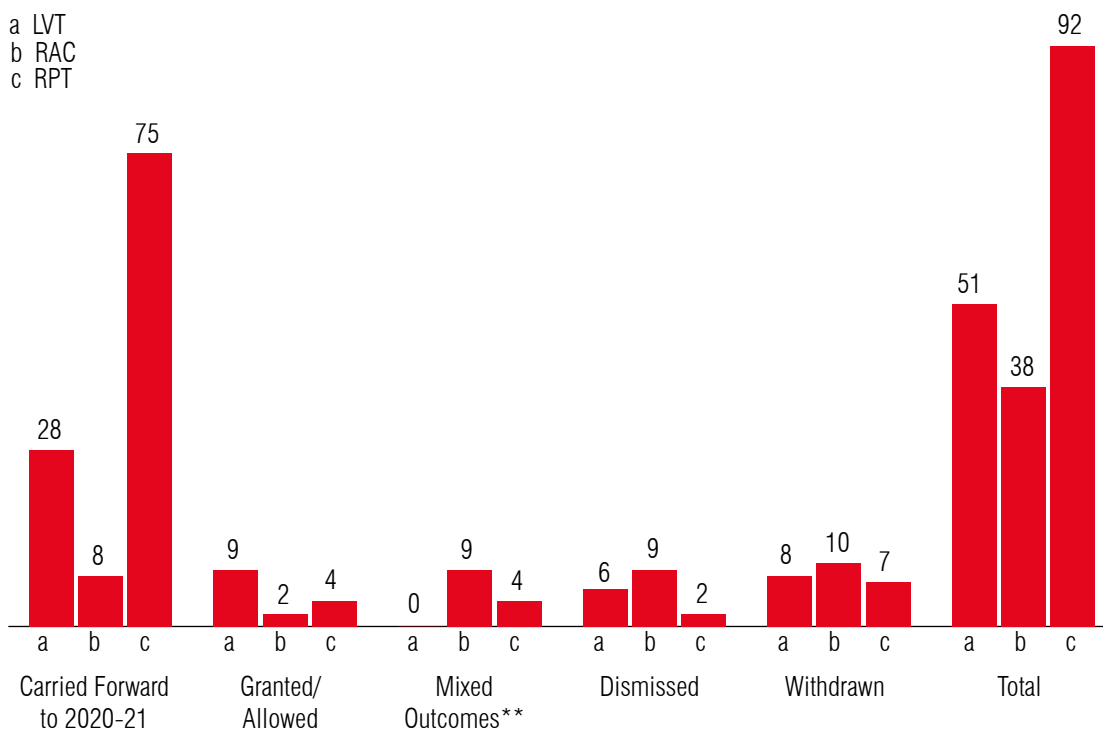
Appeals Registered by Type	2022-23
Section 50(2) – Agreement of terms re matters Part 2 of Sch 2	
Section 50(3)(a) or 50(3)(b) – Implied terms vary/delete	
Section 54 – any other matter under the act	2
Schedule 2 Chapter 2 Para 7(1)(a) or Chapter 4 Para 40(1)(a) – Detrimental effect	
Schedule 2 Chapter 2 Paras 5, 6, 7(1)(b) – Termination of agreement	
Schedule 2 Chapter 2 Para 10(3) – Refusal order Site Owner	
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	70
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	92

2.3 Number of Applications 2022-2023 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.

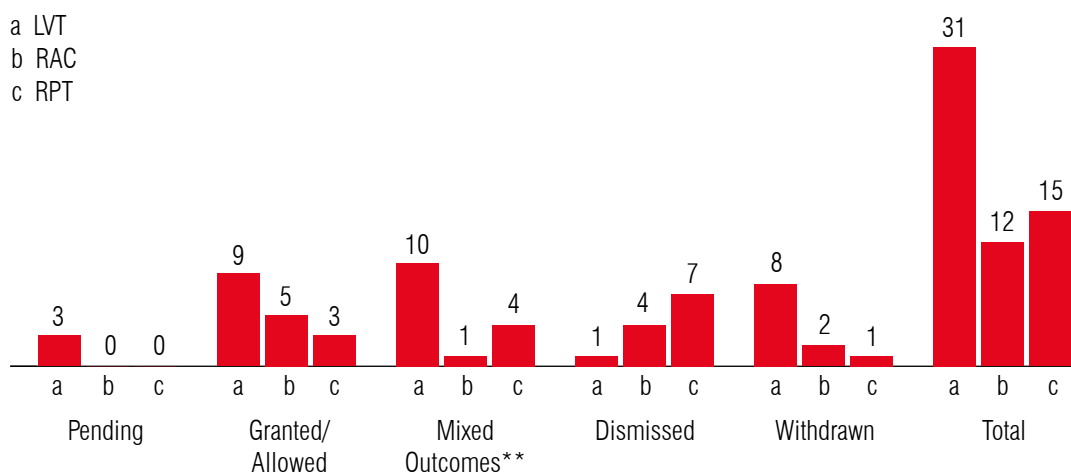
a LVT
b RAC
c RPT



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

2.4 The outcomes of the applications carried over from 2021-22

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 2022-2023 by Type and Outcome

Leasehold Valuation Tribunals

Type	Carried Forward	Granted/ Allowed	Mixed outcomes	Dismissed	Withdrawn	Total
Leasehold Disputes						
Clara Sch 11	1					1
Clara Sec 168(4)	2	1		1		4
Clara Ch 1						
L&T Sec 20C	1			1		2
L&T Part IV	1			1		2
L&T Sec 24	1					1
Leasehold Service Charge						
L&T Sec 27 A	11			1	4	16
L&T Sec 20 ZA	3	6			1	10
Leasehold Enfranchisement						
LRA Sec 21(1)(ba)						
LRA Sec 21(1)(a)	3					3
LRH&UD – leasehold renewal	1			1	2	4
LRH&UD – Missing Landlord	2	2				4
LRH&UD – Costs						
LRH&UD – Enfranchisement					1	1
Collective Enfranchisement						
Tenants Association						
L&T Sec 29	1			1		2
Other						
LRH&UD Sec 21						
Estate Charges						
LVT Fees waiver						
LRA Sec 15					1	1
Total	27	9		6	9	51

*Please refer to section 2.2 for full titles of applications

Rent Assessment Committees

Type	Carried Forward	Granted/ Allowed	Mixed outcomes	Dismissed	Withdrawn	Total
Housing Act Sec 13(4)	6		2	9	8	25
Housing Act Sec 22(1)		1				1
Housing Act Sec 6(3)						
Fair Rents	2	1	6		3	12
Total	8	2	8	9	11	38

Residential Property Tribunals

Type	Carried Forward	Granted/ Allowed	Mixed outcomes	Dismissed	Withdrawn	Total
Management Orders						
Empty dwelling Management Orders						
Rent Repayment Orders and Rent stopping Orders	2	1				3
Temporary exemption						
Overcrowding						
HMO decisions						
Refusal to grant license (s.27)	2				4	6
Improvement notices/Prohibition orders	5	1	2	2		10
Local Authority Recovery of expenses		1				1
Mobile Homes						
Fees waiver						
Section 7(4)(b)						
Section 12(2)						
Section 14(1)						
Sections 17(2) & 23(1)						

Type	Carried Forward	Granted/ Allowed	Mixed outcomes	Dismissed	Withdrawn	Total
Sections 21(9) & 23(1)						
Sections 22(7) & 23(1)						
Section 28(2)						
Section 29(6)						
Section 30(5)						
Section 33(6)(c)						
Section 49(5)						
Section 50(2)						
Section 50(3)(a) or 50(3)(b)						
Section 54		1	1			2
Sch 2 Ch 2 Para 7(1)(a)						
Sch 2 Ch 2 Paras 5, 6, 7(1)(b)						
Sch 2 Ch2 Para 10(3)						
Sch 2 Ch2 Para 13(3)						
Sch 2 Ch 4 Para 42(8)						
Sch 2 Ch 2 Paras 14(1)&(2)						
Sch 2 Ch 2 Paras 14(3)						
Sch 2 Ch 2 Paras 17(1)(b) & 17(6)(a)	66		1		3	70
Sch 2 Ch 2 Para 18(1)(a)(iii)						
Sch 2 Ch 2 Paras 17(15) & (16)						

Type	Carried Forward	Granted/ Allowed	Mixed outcomes	Dismissed	Withdrawn	Total
Sec 52(9) & (10) and Regulation 10(1) MHR						
Sec 52(9) & (10) and Regulation 17(1) MHR						
Total	75	4	4	2	7	92

During 2022-23 there were 38 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	25 Hearing days
Rent Assessment Committees	6 Hearing days
Residential Property Tribunals	17 Hearing days

There were 24 paper conferences which took place. Paper conferences are when the panel convene without the parties present to make a decision.

There were also 10 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.

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 5 appeal applications during 2022-2023. 3 appeal requests were refused. 1 granted to appeal to Upper Tribunal. This appeal was refused by the Upper Tribunal. 1 appeal request is outstanding.

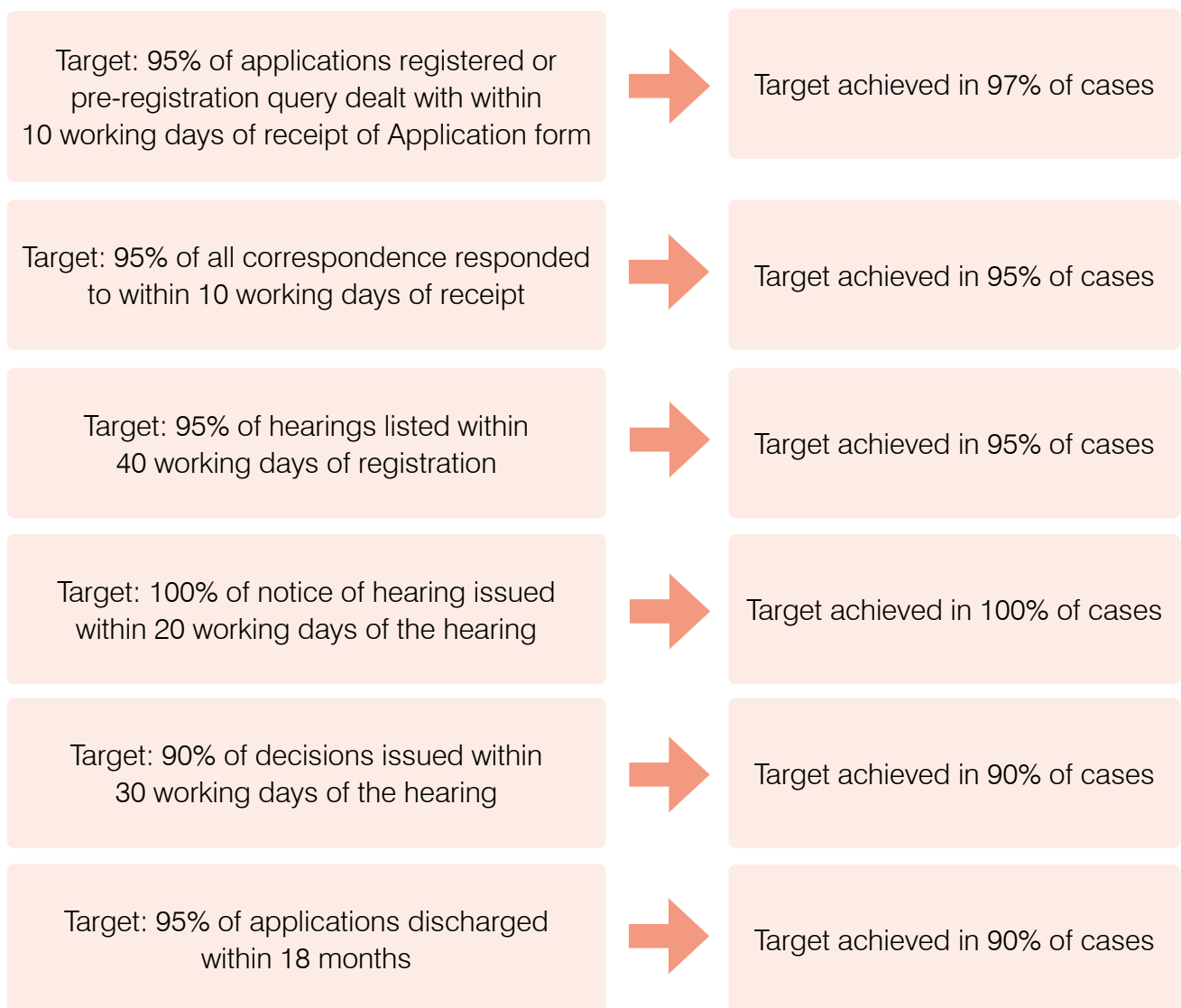
Achievement against key performance indicators

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 2022-2023.

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 2022-2023.

Section 4 – Business Priorities

In this section, our:

- Business priorities for 2023-2024

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 2023-2024

- 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.

Section 5 – Expenditure

In this section, our:

- Expenditure for 2022-2023

Expenditure for 2022-2023

Content	Amount*
Member fees & Expenses (proceedings and training)	£367,805
Other running costs	£1,460
Total	£369,265

* rounded to the nearest £1,000