

Y TRIBIWNLYS EIDDO PRESWYL

RESIDENTIAL PROPERTY TRIBUNAL

**Reference:** RAC/0021/11/24

In the Matter of Flat 2b (TF), 77 Clare Road, Grangetown, Cardiff, CF11 6QQ

In the matter of an Application under the Renting Homes (Wales) Act 2016  
The Renting Homes (Rent Determination) (Converted Contracts) (Wales) Regulations 2022.

**APPLICANTS:** Zeneli Chimalizeni

**RESPONDENT:** Amer Rashid  
Albany Property Services

**Background**

1. By way of an application dated the 20th of November 2025 the Applicant applied to this Tribunal in relation to a new rent proposed by way of a RHW12 notice served by the Respondent's agent Albany Property services dated the 20th of September 2024.
2. When the application was forwarded to the Respondent the Respondent's agent replied asserting that the application to this Tribunal was made out of time as it was dated the 20th of November 2024 whereas it should have been received by this tribunal by the 19th of November 2024. In response Shelter Cymru on behalf of the Applicant submitted that the rent review notice was received by the Applicant on the 23rd of September 2024 thus the application was made in time.
3. At that time neither of the submissions contained a statement of truth. As a consequence, Directions dated the 21st of January 2025 required both the Applicant and Respondent to file and serve a witness statement including a statement of truth setting out their respective positions as to exactly when the RHW12 notice was served together with details as to how the notice was sent and received. Upon receipt of this information further directions would be handed down.
4. The agent for the Respondent via a witness statements bearing a statement of truth from Mohammad Bari dated the 21st of January 2025 states at paragraph 3 as follows:

"I confirm that the(sic) I served the R WH12 notice on the applicant on 20th September 20 the notice was served by e-mail on Fri (sic) 2024-09-20 10:59 AM. RWH 12 was also sent via WhatsApp on the same date 20th September 2024, e-mail send and was not returned to us with "unable to

deliver” message. WhatsApp message was received marked with double blue ticks. Indicating that applicant has received and read it.”

5. The witness statement also had attached to it a screenshot of the 20th of September 2024 WhatsApp message which confirmed it had been received and read.
6. Given the Applicant's failure to comply with the directions order dated the 21st of January 2025 a further direction was made in the following terms:

“Unless objection is received from either party by 12 noon on the 20th of February 2025 the Tribunal will proceed to determine the primary issue as to the validity or otherwise of the application before it upon the papers currently filed and served.”

No such objection was received by either party.

7. As a result the tribunal convened on the 25th of April 2025 to consider this preliminary issue. Prior to the hearing we also sought evidence from the Tribunal office as to when the application was received and received confirmation that it actually was received by way of an email dated 22<sup>nd</sup> November 2024 at 17:50.

### **The Law**

8. Regulation 3 of the Renting Homes (Rent Determination)(Converted Contracts) (Wales) Regulations which came into force on the 1<sup>st</sup> December 2022 is set out in the following terms:

Application to a rent assessment committee

- 3.— (1) Following receipt of a notice under section 104 or 123 of the Act, a relevant contract-holder may apply to a rent assessment committee for a determination of the rent for the dwelling.
- (2) The application to a rent assessment committee must be made—
  - (a) in the prescribed form, and
  - (b) within 2 months following receipt of the notice under section 104 or 123 of the Act.
- (3) The prescribed form is as set out in the Schedule.
- (4) An application in a form substantially to the same effect as the prescribed form is valid.

9. The reference to Notice in this context is to the RHW 12 Notice served on the Applicant.

### **Deliberations**

10. The Applicant has failed to provide any compelling evidence to substantiate the suggestion that the notice of rent variation was actually received on the 23rd of September 2024 rather than the 20th September whereas the Respondent has provided a witness statement from the agents concerned backed by a statement of truth confirming that service was affected both by e-mail and WhatsApp on the 20th of September 2024.
11. Accordingly, on the balance of probabilities we accept the evidence submitted on behalf of the Respondent and find that the application to this Tribunal was out of time having been dated the 20th of November 2024.

### **Decision**

12. As result of the above findings of fact the Application is dismissed as we have no jurisdiction to deal with applications of this nature out of time.

Trefor Lloyd  
Tribunal Judge  
DATED this 29<sup>th</sup> day of April 2025