

Y TRIBIWNLYS EIDDO PRESWYL
RESIDENTIAL PROPERTY TRIBUNAL
LEASEHOLD VALUATION TRIBUNAL

Reference: RPT/0014/11/24

In the Matter of: 10 Brook Street, Ystrad, Pentre, CF41 7RB

In the matter of: An Application under Section 32(1) of the Housing (Wales) Act 2014 for a Rent Repayment Order

APPLICANTS: Rent Smart Wales

RESPONDENT: Michael Maggs

TRIBUNAL: Tribunal Judge Kelly Byrne
Hefin Lewis, Surveyor Member
Carole Thomas, Lay Member

VENUE: Determination on the papers

DECISION

Background

1. The Tribunal received an application, dated 1st November 2024 from Rent Smart Wales (“the Applicants”), who are the Licensing Authority in Wales for the purposes of Part 1 of the Housing (Wales) Act 2014 (“the Act”). The application is in respect of 10 Brook Street, Ystrad, Pentre, CF41 7RB (“the Property”) and is made under Section 32(1) of the Act for a Rent Repayment Order, against Michael Maggs (“the Respondent”), for payments of housing benefit, paid directly to the Respondent on behalf of the Tenant.
2. A Directions Order was issued by the Tribunal on 31st December 2024, setting out various directions including the requirement for the Respondent to provide a response to the application. The Respondent has not complied with these directions and has not provided any evidence or submissions to the Tribunal in support of their case.

The Applicants’ case

3. The Applicants rely on a witness statement from Nelson Edwards-Ramos, dated 8th January 2025, who is an officer employed by Rent Smart Wales. He sets out the facts in the case, which are summarised below.
4. On 9th November 2023, South Wales Fire and Rescue Service, reported the property to the Applicant due to it not being registered with them as the licensing authority.

5. The Applicant undertook a land registry record check and established that the Respondent, Mr Michael Maggs and his wife Allison Maggs, are the owners of the property. As a result of this information, on 13th November 2024, they wrote to the tenant at the property and Rhondda Cynon Taf, as the Local Authority, to request any information in respect of the council tax and housing benefit in relation to the property.
6. On 14th November 2023, the Local Authority confirmed that the Respondent was the landlord of the property and that it was tenanted.
7. On 28th November 2023, the Applicant sent an unregistered and unlicensed landlord letter to the Respondent at 8 Augusta Street, Ton Pentre, CF41 7EW, which is the home address of the Respondent. A further letter and email were sent on 13th December 2023.
8. On 9th January 2024 a Fixed Penalty Notice (FPN) was sent to the Respondent, under Section 4(2) of the Housing (Wales) Act 2014. This remained unpaid despite a reminder letter being sent; the matter was referred for prosecution.
9. On 5th September 2024, the Respondent was convicted in absence by Cardiff Magistrates Court, for offences contrary to Section 4(2) and Section 7(5) of the Act.
10. On the 17th of September 2024, The Applicants sent the Respondent a post-prosecution but non-compliant letter giving him an additional 14 days to renew his landlord registration and apply for a landlord licence or appoint a licensed agent. A Pre-Rent Repayment Order letter was sent on the same day.
11. On the 19th of September 2024, the Respondent called the Applicant where he was informed that his landlord registration and landlord licence had expired. During the call he stated that he was not the owner of the property. He was advised on how to renew his landlord registration and landlord licence. On the 20th of September 2024, the Applicant emailed the Respondent requesting evidence to show that he no longer is the owner of property. A short response was received via email which stated, "sorry it's number 10 sorry".
12. The Applicant tried further attempts to engage with the Respondent, but these were unsuccessful.
13. On 3rd of October 2024 the Applicant served a Notice of Intended Proceedings on the Respondent informing him of their intention to apply to the Residential Property Tribunal for a Rent Repayment Order in reference to his rental property, giving him 28 days to provide representations.
14. As no representations were received, an application was submitted by the Applicant to the Tribunal on 8th November 2024.
15. The application is for a rent repayment order covering the 12-month period prior to the Notice of Intended Proceedings, being 1st October 2023 to 1st October 2024. The total amount being claimed is £5,519.80. They state that they are making the application as the Respondent has not registered the property nor has, he applied for a landlord licence.
16. The Applicants submits that the Respondent is the appropriate person under the Act as he has been named by the Local Authority as the person who is in receipt of the housing benefit for the property.

The Law

17. Section 7(1)-(3) of the Act, in summary, requires landlords to be licenced to carry out property management activities. Those activities include all normal management of residential properties such as the collection of rent, arranging for repairs, being the point of contact for the tenant and serving a notice to terminate the tenancy.

18. Section 32 of the Act states as follows (Tribunal emphasis added):

(1) A residential property tribunal may, in accordance with this section and section 33, make an order (a “rent repayment order”) in relation to a dwelling on an application made to it by—

- (a) the licensing authority for the area in which the dwelling is located,
- (b) the local housing authority for the area in which the dwelling is located, or
- (c) a tenant of the dwelling.

(2) But a local housing authority may not make an application under subsection (1) without the consent of the licensing authority mentioned in paragraph (a) of that subsection (unless it is the licensing authority); and consent for that purpose may be given generally or in respect of a particular application.

(3) A “rent repayment order” is an order made in relation to a dwelling which requires the appropriate person (see subsection (9)) to pay to the applicant such amount in respect of the relevant award or awards of universal credit or the housing benefit paid as mentioned in subsection (5)(b), or (as the case may be) the periodical payments paid as mentioned in subsection (7)(b), as is specified in the order

(4) The tribunal may make a rent repayment order only if it is satisfied—

- (a) where the applicant is the licensing authority or a local housing authority (as the case may be), of the matters mentioned in subsection (5);
- (b) where the applicant is a tenant, of the matters mentioned in subsection (7).

(5) The tribunal must be satisfied—

(a) that at any time within the period of 12 months ending with the date of the notice of intended proceedings required by subsection (6) an offence under section 7(5) or 13(3) has been committed in relation to the dwelling (whether or not a person has been charged or convicted for the offence);

(b) that—

- (i) one or more relevant awards of universal credit have been paid (to any person),**
- (ii) or housing benefit has been paid (to any person) in respect of periodical payments payable in connection with a domestic tenancy of the dwelling,**

during any period during which it appears to the tribunal that such an offence was being committed, and

(c) the requirements of subsection (6) have been complied with in relation to the application.

(6) Those requirements are—

(a) that the authority making the application must have given the appropriate person a notice (a “notice of intended proceedings”)—

- (i) informing the person that the authority is proposing to make an application for a rent repayment order,**
- (ii) setting out the reasons why it proposes to do so,**
- (iii) stating the amount that it will seek to recover under that subsection and how that amount is calculated, and**
- (iv) inviting the person to make representations to the authority within a period of not less than 28 days specified in the notice;**

(b) that period must have expired, and

(c) that the authority must have considered any representations made to it within that period by the appropriate person.

(7) The tribunal must be satisfied that—

(a) a person has been convicted of an offence under section 7(5) or 13(3) in relation to the dwelling, or that a rent repayment order has required a person to make a payment in respect of—

- (i) one or more relevant awards of universal credit, or**
- (ii) housing benefit paid in connection with a tenancy of the dwelling;**

(b) the tenant paid to the appropriate person (whether directly or otherwise) periodical payments in respect of the tenancy of the dwelling during any period during which it appears to the tribunal that such an offence was being committed in relation to the dwelling, and

(c) the application is made within the period of 12 months beginning with—

- (i) the date of the conviction or order, or**
- (ii) if such a conviction was followed by such an order (or vice versa), the date of the later of them.**

(8) In this section—

(a) references to an offence under section 7(5) do not include an offence committed in consequence of a contravention of subsection (3) of that section, and

(b) references to an offence committed under section 13(3) do not include an offence committed in consequence of a contravention of subsection (1) of that section.

(9) In this section—

“appropriate person”, in relation to any payment of universal credit or housing benefit or periodical payment in connection with a domestic tenancy of a dwelling, means the person who at the time of the payment was entitled to receive, on that person's own account, periodical payments in connection with the tenancy;

“housing benefit” means housing benefit provided by virtue of a scheme under section 123 of the Social Security Contributions and Benefits Act 1992;

“relevant award of universal credit” means an award of universal credit the calculation of which included an amount under section 11 of the Welfare Reform Act 2012, calculated in accordance with Schedule 4 to the Universal Credit Regulations 2013 (housing costs element for renters) (SI 2013/376) or any corresponding provision replacing that Schedule, in respect of periodical payments in connection with a domestic tenancy of the dwelling;

“tenant” (“tenant”), in relation to any periodical payment, means a person who was a tenant at the time of the payment (and “tenancy” has a corresponding meaning).

(10) For the purposes of this section an amount which—

(a) is not actually paid by a tenant but is used to discharge the whole or part of the tenant's liability in respect of a periodical payment (for example, by offsetting the amount against any such liability), and

(b) is not an amount of universal credit or housing benefit,

is to be regarded as an amount paid by the tenant in respect of that periodical payment.

Decision and Reasoning

19. This matter was determined on the papers.
20. The Tribunal has considered all the evidence before it and note the lack of response from the Respondent.
21. The Tribunal is satisfied that:
22. The Respondent is the landlord of this Property for the purposes of this application. The Respondent has been in receipt of housing benefit paid by the local authority on behalf of the Tenant
23. The Property has not been registered and the Respondent, at the relevant time was not licenced as a landlord.
24. The Respondent is clearly the ‘appropriate person’ for the purposes of Section 32(9) of the Act as there is evidence of housing benefit payments being paid directly to him.
25. The Respondent has been convicted in his absence at Cardiff Magistrates Court for offences contrary to Section 4(2) of the Act and Sections 7(1) and 7(5) of the Act on 5th September 2024.
26. The proper procedure has been followed in accordance with Section 32(6) of the Act in terms of giving a notice of intended proceedings. The Notice sets out the amount they are seeking to recover and the reasons. Allowing 28 days for representations. No representations were received.
27. An offence has been committed in contravention of Section 7(5) of the Act during the 12-month period leading up to the service of the Notice, pursuant to Section 32 (5)(a) of the Act.

28. That housing benefit has been paid during any period during which it appears to us that such an offence was being committed, pursuant to Section 32(5)(b) of the Act.
29. Pursuant to Section 33(4) of the Act a rent repayment order may not require payment of any amount which the Tribunal is satisfied that, by reason of exceptional circumstances, it would be unreasonable for that person to be required to pay. There is no evidence before us from, or on behalf of, the Respondent and, therefore, no grounds to conclude that there are any exceptional circumstances which would make it unreasonable.
30. For the reasons set out above, the Tribunal determines that a rent repayment order should be made against the Respondent. We therefore Order that the Respondent is to pay the amount of **£5,519.80** to the Applicant, which is payable within 14 days of the date of this decision.



Tribunal Judge K Byrne
Dated this 19th day of June 2025

