

Y TRIBIWNLYS EIDDO PRESWYL
RESIDENTIAL PROPERTY TRIBUNAL

Reference: RPT/0005/07/25

In the Matter of: 49 Old Arts College, Clarence Place, Newport, NP19 0LY

APPLICATION: An Application under Section 32 of the Housing (Wales) Act 2014 for a Tenant Rent Repayment Order

APPLICANT: Mr Gokul Ramasubramanian
Mrs Padmapriya Palanichamy

RESPONDENT: Mr Amaju Agidee

TRIBUNAL: Tribunal Judge R Phillips
Mr N Martindale – Surveyor Member
Mr H Jones – Lay Member

VENUE: Via the Teams Platform

DATE: 14/10/2025

DECISION:

The application is dismissed.

BACKGROUND

1. The tribunal has received an application from Mr Gokul Ramasubramanian and Mrs Padmapriya Palanichamy under section 32(1)(c) of the Housing (Wales) Act 2014 (“the Act”). In respect of the property 49 Old Arts College, Clarence Place, Newport, NP19 0LY.
2. The applicants have applied for a Rent Repayment Order (“RRPO”) on the basis that they have paid rent to the respondent during periods when the respondent was committing an offence under section 7(2)(a)-(f) of the Act.
3. In the light of the dismissal of the application, for the purposes of this decision it is not necessary to set out the detailed positions of the Applicant and the Respondent as set out in their respective statements of case.

THE LAW

4. The relevant law for the purposes of this decision is as set out below:

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.

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

5. The Applicant has applied for a RRPO in accordance with s32(1)(c) of the Act.
6. s32(4) of the Act sets out the differing requirements for a tribunal to make a RRPO depending on whether it is a licensing authority or local housing authority making the application or if the tenant is making the application.
7. s32(4)(a) deals with a situation where the application is made by a licensing authority or a local housing authority and s32(4)(b) deals with the situation where the application is made by a tenant (as is the case here).
8. s32(4)(b) states that for the tribunal to make a RRPO the tribunal must be satisfied as to the matters in subsection (7).
9. Subsection (7) is set out in paragraph 4 of this decision and it is clear that for a RRPO to be made there **must be a conviction** for an offence under section 7(5) or 13(3) of the Act in relation to the dwelling (the alternative in the subsection is not relevant to this case).
10. This requirement for a conviction is clearly set out in the Application Form HWA6 on pages 1 and 2 with a warning that the absence of any required document may make the application invalid and this is mentioned again as an issue for the tribunal to consider in the Directions Order dated 17th July 2025.
11. There is no such evidence of a conviction before the tribunal and it is the understanding of the tribunal that there is no such conviction.
12. In the absence of any such evidence of a conviction the tribunal has no option other than to dismiss the application.

13. The Applicant raised the point whether s32(5)(a) may assist his case but it does not. This subsection only relates to applications made by the licensing authority or a local housing authority as per s32(4)(a) which is not the case here.

Dated this 21st day of October 2025

Tribunal Judge R Phillips