

Y TRIBIWNLYS EIDDO PRESWYL
RESIDENTIAL PROPERTY TRIBUNAL

Reference: File Number: RPT/0015/09/25

In the matter of an application under section 32 of the Housing (Wales) Act 2014 for a Rent Repayment Order

APPLICANT: Rent Smart Wales

RESPONDENTS: Mr Mahmood Hamid

PROPERTY: 23 King Street, Cwmdare, Aberdare, CF44 8TR

TRIBUNAL: Tribunal Judge Tueje
Mr T. Wyn Jones FRICS (Surveyor)
Ms J. Playfair (Lay Member)

Date of determination: 9th February 2026 (paper determination)

DECISION

The Tribunal makes a Rent Repayment Order against the respondent who must pay the sum of £5,983.64 to the applicant within 14 days of the date of this decision.

REASONS FOR THE DECISION

Background

1. The applicant is the Licencing Authority in Wales for the purpose of Part 1 of the Housing (Wales) Act 2014 (“the 2014 Act”) which, amongst other things, deals with maintaining a register, administering landlord registrations and granting agent and landlord licences. Since 23rd November 2015 under the provisions of the 2014 Act there is a legal obligation for all private sector landlords to be appropriately registered, trained and licenced or have in place a licenced agent to let and manage the property.
2. On the 12th March 2024, the tenant of the Premises situated at 23 King Street, Cwmdare, Aberdare, CF44 8TR (“the Premises”) emailed the applicant reporting that the landlord is not registered with Rent Smart Wales.
3. In light of that report, the applicant carried out the following enquiries:

- 3.1 On 1st July 2024 the applicant obtained confirmation from the Land Registry that the Premises were owned by the respondent.
- 3.2 On 9th July 2024 the applicant obtained council tax information for the Premises, which indicated the Premises were tenanted, and the respondent was the landlord of the Premises.
- 3.3 On 16th July 2024 the applicant obtained the respondent's correspondence address from Land Registry.
4. Having also obtained 2 telephone numbers for the respondent, on the same date, the applicant tried to contact the respondent using both telephone numbers, but received no answer. The applicant left a voicemail message on one of these numbers asking the respondent to contact Rent Smart Wales.
5. By an e-mail and letter sent by the applicant to the respondent on 16th July 2024, it notified the respondent that his landlord licence has expired. It also notified him that the Premises were understood to be let on a domestic tenancy, and therefore needed to be registered with the applicant.
6. On 31st July 2024 the applicant again telephoned the respondent, received no answer, and left a voicemail message asking him to contact Rent Smart Wales. By a letter and e-mail sent on the same date the applicant sent a final notice of non-compliance to the respondent.
7. On 6 August 2024 the applicant made enquiries regarding the respondents correspondence address. Council tax enquiries confirmed the respondent's address was the address the applicant had been using to send the correspondence referred to above.
8. On 16th August 2024 the applicant issued the respondent with a fixed penalty notice under sections 4(2) and 7(5) of the 2014 Act on the grounds that the respondent was not registered, he did not hold a valid landlord licence nor had he appointed a licenced agent to let and manage the Premises.
9. On 30th August 2024 a fixed penalty notice reminder letter was sent by letter and e-mail to the respondent.
10. On 17th September 2024, the applicant sent a Notice of Intended Prosecution to the respondent by letter and by e-mail. On the grounds that the landlord did not have a current registration, and was not licenced nor had he engaged a licenced agent to deal with the letting and management of the Premises.
11. The applicant subsequently pursued a prosecution of the respondent, and on 15th May 2025 the respondent was convicted of offences under Section 4(2) and 7(5) of the 2014 Act by Cardiff Magistrates' Court. The applicant has provided a copy of the memorandum of conviction in respect of these offences.

12. On 18th May 2025 the respondent completed a landlord registration for the Premises, however he did not apply for a landlord licence nor did he appoint a licenced agent to let and manage the Premises.
13. On 10th June 2025 the applicant carried out further inquiries in respect of the Premises, which confirmed that the property remained tenanted and the respondent was still the landlord.
14. Subsequent updated inquiries of a Land Registry on 13th June 2025 confirmed the respondent remained the owner of the Premises.
15. On the same date the applicant wrote to the respondent notifying him that he was still committing an offence as a result of his failure to obtain a licence or appoint a licenced agent to let and manage the Premises.
16. On 1st July 2025 the applicant sent a further letter to the respondent notifying him it intended to apply for a rent repayment order as a result of the landlord's failure to obtain a licence or appoint a licenced agent to let and manage the Premises. Further, that if he failed to apply for a landlord licence or appoint a licenced agent to let and manage the property by 15th July 2025 the applicant would give consideration to applying for a rent repayment order.
17. The applicant duly served a Notice of Intended Proceedings on the respondent at his correspondence address on 13th August 2025. A copy of that notice is in the hearing bundle. It confirmed that the reason it was that since 16 July 2024 the Premises there had been no licenced person in place to let or manage the Premises. Additionally, the respondent had been convicted of an offence under section 7(5) of the 2014 Act on 15th May 2025.
18. The notice continued that because the respondent had failed to secure compliance, the applicant considered the most appropriate course was to apply for a rent repayment order.
19. It further notified the respondent that the amount it thought to recover was £5,983.64 for the period from 13th August 2024 to the date of the notice, as stated, being 13th August 2025. The notice explained this had been calculated as 13 payments of £460.28.
20. Finally it notified the respondent that if he wished to make representations to the applicant regarding the notice, he may do so, but those representations must be made on or before the 10th September 2025.
21. The application to the tribunal for a rent repayment order is dated 19th September 2025. After submitting the application, and in accordance with the Tribunal's directions, the applicant filed a statement of case, which included a witness statement from Mr Edwards-Ramos, the applicant's enforcement officer. In the statement, Mr Edwards-Ramos confirms that the applicant has received no written representation from the respondent in respect of the Notice of Intended Proceedings.

22. The applicant's statement of case also includes a schedule of housing benefit payments, made to the tenant, covering the period from 13th August 2024 up to 13th August 2025, paid at four weekly intervals from 13th August 2024 to 15th July 2025, totalling £5,983.64.
23. The Tribunal has not received a statement of case, any other documents, nor had any response from the respondent to the application.
24. The provisions of the 2014 act that are relevant to this application or set out below.

The Legislative Framework

25. Section 7 of the 2014 Act reads:

7 Requirement for landlords to be licensed to carry out property management activities

- (1) *The landlord of a dwelling subject to a domestic tenancy must not do any of the things described in subsection (2) in respect of the dwelling unless—*
- (a) *the landlord is licensed to do so under this Part for the area in which the dwelling is located,*
 - (b) *the thing done is arranging for an authorised agent to do something on the landlord's behalf, or*
 - (c) *an exception in section 8 applies.*
- (2) *The things are—*
- (a) *collecting rent;*
 - (b) *being the principal point of contact for the tenant in relation to matters arising under the tenancy;*
 - (c) *making arrangements with a person to carry out repairs or maintenance;*
 - (d) *making arrangements with a tenant or occupier of the dwelling to secure access to the dwelling for any purpose;*
 - (e) *checking the contents or condition of the dwelling, or arranging for them to be checked;*
 - (f) *serving notice to terminate a tenancy.*
- (3) *The landlord of a dwelling that was subject to a domestic tenancy, but is no longer subject to that domestic tenancy, must not check the contents or condition of the dwelling, or arrange for them to be checked, for any purpose connected with that tenancy unless—*
- (a) *the landlord is licensed to do so under this Part for the area in which the dwelling is located,*
 - (b) *the thing done is arranging for an authorised agent to do it on the landlord's behalf, or*
 - (c) *an exception in section 8 applies.*
- (4) *The Welsh Ministers may by order—*

- (a) *amend or omit the descriptions of things in subsection (2) or (3) (including things added under paragraph (b)) that a landlord must not do unless any of paragraphs (a) to (c) of subsection (1) or (3) applies (as the case may be);*
 - (b) *add further descriptions of things for the purposes of this section (including by way of amendment to this Part).*
- (5) *A landlord who contravenes subsection (1) or (3) commits an offence and is liable on summary conviction to a fine.*
- (6) *In proceedings against a landlord for an offence under subsection (5) it is a defence that the landlord has a reasonable excuse for not being licensed.*
- (7) *In subsection (1) “authorised agent” means—*
- (a) *a person licensed to carry out lettings work and property management work under this Part for the area in which the dwelling is located,*
 - (b) *a local housing authority (whether or not in exercise of its functions as a local housing authority), or*
 - (c) *in relation to serving notice to terminate a tenancy only, a qualified solicitor (within the meaning of Part 1 of the Solicitors Act 1974), a person acting on behalf of such a solicitor or any person of a description specified in an order made by the Welsh Ministers.*

26. Section 32 of the 2014 Act continues:

32 Rent repayment orders

- (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), or*
 - (ii) *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” (“person priodol”), 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” (“budd-dal tai”) 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” (“dyfarniad perthnasol o gredyd cynhwysol”) 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.*

Findings and Conclusion

27. The Tribunal have determined this application on the papers, as requested by the applicant. Having reviewed the papers we consider it is suitable for a determination on the papers, and there has been no request by the respondent for the matter to be determined at a hearing.

28. In reaching our decision we have carefully considered the written evidence and documents relied on by the applicants. In light of that evidence we make the following findings of fact:

- 28.1 We are satisfied that the respondent is the owner of the Premises, having regard to the title documentation from Land Registry that is included in the bundle.
- 28.2 We are also satisfied that the respondent is the landlord of the Premises, on the grounds that the applicants Enquiries of council tax, confirm that to be the case.
- 28.3 We are satisfied that during the period from 13th August 2024 to 13th August 2025 the respondent was not licenced nor had he appointed a licensed agent to let or manage the Premises. We note the applicant is the licencing authority, its evidence is that the respondent has no landlord licence and has not appointed a licensed agent. We take into account that if he had done so he would have applied to the applicant as the licencing authority. The applicant's evidence that the respondent has not done so is unchallenged. We therefore accept that evidence.
- 28.4 The schedule of housing benefit payments confirms that housing benefit payments have been made in respect of the Premises to the tenant of the Premises. We are satisfied that the respondent as the landlord of the Premises, would be entitled to receive those housing benefit payments. Therefore we are satisfied that the respondent is the appropriate person for the purposes of the 2014 Act.
29. On 15th May 2025 the respondent was convicted because he was not licenced nor had he appointed a licensed agent to let or manage the Premises.
30. We are satisfied that the Notice of Intended Proceedings was sent to the respondent on 13th August 2025, and that it complied with the requirements of section 32(6) of the 2014 Act. As stated above, the Notice of Intended Proceedings notified the respondent of its intention to apply for a rent repayment order, set out the applicant's reasons, and the amount of the proposed rent repayment order. The respondent was also given 28 days to provide written representations.
31. By Section 32(5)(a) we must be satisfied that at anytime within the period of 12 months ending with the date of the Notice of Intended Proceedings an offence under section 7(5) has been committed in relation to the Premises whether or not the respondent has been charged or convicted for the offence.
32. Based on our findings at paragraphs 28 to 28.4, we are satisfied that the respondent was not licensed, nor had he appointed a licensed agent, to let or manage the Premises during the 12-month period preceding the Notice of Intended Proceedings. We are also satisfied that housing benefit was paid during that period, and that he was entitled to receive it, making him an appropriate person for the purposes of section 32(9).

33. In light of our findings at paragraphs 28 to 28.4 above, we are satisfied that, contrary to section 7(5) of the 2014 Act, the respondent is not licenced, nor has he appointed a licensed agent, to let or manage the Premises during the 12 month period leading up to the Notice of Intended Proceedings, that housing benefit was paid, and that he was entitled to receive the housing benefit paid.
34. We are also satisfied that the applicant has complied with the procedural requirements at section 32(6).
35. In the circumstances, and for the reasons stated above, we order the respondent to pay £5,983.64 to the applicant within 14 days of the date of this decision.

Dated this 16th February 2025
Tribunal Judge Tueje