

Residential Property Tribunal for Wales

Y Tribiwnlys Eiddo Preswyl

Reference LVT/0002/06/25

In the matter of 54 Llansawel Crescent, Briton Ferry, Neath, SA11 2UL

And in the matter of an application under s 32(1) of the Housing (Wales) Act 2014 for a Rent Repayment Order.

And in the matter of an application for permission to appeal

Applicant: Paul Keene

Respondent: Christian Davies

Tribunal panel: Trefor Lloyd -Tribunal Judge  
Hefin Lewis FRICS – Surveyor member

1. The Applicant seeks permission to appeal against the decision ('the Decision') of the Tribunal dated the 6<sup>th</sup> May 2026.
2. The Decision was sent to the Applicant by e-mail on the 6<sup>th</sup> of May 2026 and the application to appeal was submitted to the Tribunal office by email on the 26<sup>th</sup> May 2026 being within the 21 day time limit for filing a request for permission to appeal by one day.
3. The Applicant seeks permission to Appeal on 4 grounds (detailed below) and also in the event of the application for permission to appeal being defective in any procedural manner, that the Applicant is given an opportunity to remedy the defect before we determine the application.
4. In relation to this latter point we confirm that the application before us is not procedurally defective ( as it complies with paragraph 37 (4) of the Residential Property Tribunal Procedures & Fees (Wales) Regulations 2016.
5. The four grounds of appeal are repeated below in their entirety as follows;
6. ***Ground 1: Arguable error of law in the interpretation of section 32 and section 33 of the Housing (Wales) Act 2014***

*The Tribunal dismissed the application on the basis that the absence of a criminal conviction or previous relevant order was fatal to the application.*

*I respectfully submit that the Tribunal arguably adopted too narrow an interpretation of section 32 of the Housing (Wales) Act 2014 and failed to adequately reconcile section 32(7)(a) with section 32(7)(b) and section 33(6).*

*Section 32(7)(b), as quoted in the Tribunal's decision, refers to periodical payments made during any period in which "it appears to the tribunal that such an offence was being committed". Section 33(6)(a), also quoted in the decision, refers to relevant payments made during any period in which "it appears to the tribunal that an offence was being committed". Section 33(6)(c) separately refers to whether the appropriate person has at any time been convicted of an offence.*

*I respectfully submit that this wording arguably indicates that the Tribunal has a fact-finding role in determining whether an offence was being committed, and that a conviction may be relevant to the Tribunal's assessment, but is not necessarily the only route by which the Tribunal can be satisfied.*

*The decision does not adequately explain why those provisions did not permit the Tribunal to determine, on the evidence before it, whether the relevant offence was being committed.*

**7. Ground 2: Failure to give adequate reasons**

*The Tribunal had specifically directed the parties to make submissions on whether a criminal conviction was required before a Rent Repayment Order could be made. I submitted that a conviction was not a necessary precursor. The Respondent did not provide submissions on that issue.*

*The Tribunal nevertheless dismissed the application on the basis that no conviction or previous order had been shown.*

*I respectfully submit that the Tribunal did not adequately engage with the issue raised by its own direction, namely whether the statutory scheme required a conviction in every case, or whether the Tribunal could itself determine whether an offence had been committed.*

*The Tribunal also did not sufficiently explain why the wording in section 32(7)(b) and section 33(6), referring to periods where it appears to the Tribunal that an offence was being committed, did not assist the Applicant.*

**8. Ground 3: Failure to consider the substance of the application**

*The Tribunal dismissed the application without considering the underlying evidence and without making findings of fact on the alleged conduct. The Tribunal expressly stated that, having reached its conclusion on the statutory requirement, it did not need to consider any other aspects or make any other findings of fact.*

*I respectfully submit that this was material. If the Tribunal's interpretation of section 32 and section 33 was wrong, or arguably wrong, then the Tribunal may have failed to consider evidence that was capable of affecting the outcome.*

**9. Ground 4: Materiality and public importance**

*The issue is material because the decision prevented any consideration of whether the Respondent's conduct fell within the statutory scheme for a Rent Repayment Order.*

*The issue is also of wider importance because it concerns the correct interpretation of the Rent Repayment Order provisions under the Housing (Wales) Act 2014, including whether the Tribunal is restricted to cases involving a prior conviction or previous order, or whether it may determine for itself whether the relevant offence was being committed.*

10. All of the above grounds of appeal are interrelated.
11. In relation to Grounds 1 & 4 – The Tribunal has determined this case in accordance with the relevant legislation as set out in paragraphs 7 – 9 of the Decision. Under the heading “Discussion” at paragraph 13, the Tribunal sets out its interpretation of the legislation being, in the case of an application by a Tenant, (as in this instance) a conviction or that a rent repayment order had already been made are precursors. As there was no evidence of either before the Tribunal there was no need to go any further and consider if an offence was or had been committed.
12. We therefore consider that there is no error of law in relation to the permission to appeal under grounds 1 or 4 and an application under these grounds is refused.
13. Grounds 2, & 3 – The reasons for the Tribunal’s decision are set out within paragraphs 12 – 17 of the decision. Having interpreted the legislation (paragraph 13 of the decision) that a conviction or an earlier rent repayment order were precursors there was no need to go any further and undertake a fact finding exercise as to whether or not an offence had or was being committed.
14. For the reasons set out above the Tribunal does not accept that grounds 2, & 3 for appeal disclose any errors in law or material omission or inadequacy of reasons made or given by the Tribunal based on the application for determination and permission to appeal under these grounds is refused.

**Decision:**

**The Tribunal concludes that there is no arguable case that there are errors in law or material omissions or inadequacy of reasons made or given by the Tribunal and the application for permission is refused.**

Dated this 2<sup>nd</sup> day of June 2026

T Lloyd  
Tribunal Judge