

Y TRIBIWNLYS EIDDO PRESWYL
RESIDENTIAL PROPERTY TRIBUNAL

Reference: RPT/0002/06/25

In the matter of 54 Llansawel Crescent, Briton Ferry, Neath, SA11 2UL ('the Property')

In the matter of an application under section 32(1) of the Housing (Wales) Act 2014 for a Rent Repayment Order

APPLICANT: Paul Keene

RESPONDENT: Christian Davies

INTERESTED PERSON: Betsan James

Tribunal: Tribunal Judge T Lloyd (Legal Chair)

Mr Hefin Lewis FRICS (Surveyor Member)

Date of determination: 18th March 2026 (on the papers)

DECISION

The Tribunal dismisses the application for a Rent Repayment Order

REASONS FOR DECISION

Background

1. The Applicant, being a joint tenant with the Interested Person of the Property, submitted an application on the 25th June 2025 for a Rent Repayment Order under Section 32(1)(c) of the Housing (Wales) Act 2014 ('the Act'). The Application alleged: harassment; attempted illegal eviction and a failure to obtain a valid and up to date Gas Safety Certificate..
2. Direction Orders were issued by a Procedural Judge. Twin tracked with this application was a claim in the County Court instigated by the Respondent seeking possession of the property and a claim for alleged rent arrears.
3. Given the potential overlap between the court proceedings and the application for a rent repayment order as the former also dealt with alleged rent arrears,

Applications for a stay of this matter made by the Applicant were granted resulting in the matter being stayed until we determined the matter on the papers on the 18th of March 2025. By that time District Judge Graham Jones sitting in the Port Talbot Justice Centre had heard the claim for rent arrears and possession and handed down a judgment dated the 2nd March 2026. That judgement did not rule on any financial aspect of that case and at paragraph 106 District Judge Graham Jones confirms the court will wait upon the conclusions of this Tribunal before finalising his judgement in relation to the issue of damages.

4. All parties agreed to a determination upon the papers having previously filed and served evidence in support of their respective cases and the tribunal determined it was appropriate to deal with the matter in that manner.
5. In order to assist the tribunal, a directions order was made on the 12th of December 2025 requesting short submissions from the parties as to the need or otherwise of a criminal conviction before a rent repayment order could be made in this case. The Applicant responded by way of short submissions dated the 29th December 2025 simply stating that a criminal conviction was not a precursor to a rent repayment order being made. The Respondent did not file and serve any submissions appertaining to the issue of the relevance or otherwise of a conviction in terms of a rent repayment order.
6. A further Directions Order dated the 23rd of February 2026 requested clarification as to the position in relation to the rent arrears. That clarification however came in final format from District Judge Graham Jones's judgement at paragraph 85 where he concludes that the rent arrears as at the 31st of January 2026 by the Tenants (being the Applicant Interested Person in relation to the Tribunal Application) stood at £9,100.

The Housing (Wales) Act 2014

7. Section 7(1) - (3) of the Act prohibits landlords from carrying out various activities unless they hold a licence under the Act or unless certain exceptions apply. These activities include standard management activities for 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 7(5) - (6) then states that; '*A landlord who contravenes subsection (1) ...commits an offence and is liable on summary conviction to a fine*', subject to a defence where the landlord has reasonable excuse for not being licensed. Section 13 contains a further offence in relation to appointing an unlicensed agent.
8. Section 32 of the Act then contains the main provisions and requirements in relation to Rent Repayment Orders. The extracts which are relevant to this Application are as follows: -

Section 32(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—(c) a tenant of the dwelling.

(3) A “rent repayment order” is an order made in relation to a dwelling which requires the appropriate person ... to pay to the applicant such amount in respect of ... 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—(b) where the applicant is a tenant, of the matters mentioned in subsection (7).

(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... 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...

(9) In this section — “appropriate person” ..., in relation to any ... 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;

... “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).

9. Section 33 of the Act includes further provisions in relation to Rent Repayment Orders. Sub-Section (5) states that *‘the amount required to be paid by virtue of a rent repayment order is to be such amount as the tribunal considers reasonable in the circumstances; but this is subject to subsections (6) to (8)’.*

(6) In such a case, the tribunal must take into account the following matters—

(a) the total amount of relevant payments paid in connection with a tenancy of the dwelling during any period during which it appears to the tribunal that an offence was being committed in relation to the dwelling under section 7(5) or 13(3);

(b) the extent to which that total amount—(ii) was actually received by the appropriate person;

(c) whether the appropriate person has at any time been convicted of an offence under section 7(5) or 13(3);

(d) the conduct and financial circumstances of the appropriate person; and

(e) where the application is made by a tenant, the conduct of the tenant.

(7) In subsection (6) “relevant payments” means— ... (b) in relation to an application by a tenant, periodical payments payable by the tenant, ...

(8) A rent repayment order may not require the payment of any amount which — ... (b) where the application is made by a tenant, is in respect of any time falling outside the period of 12 months ending with the date of the tenant's application under section 32(1); and the period to be taken into account under subsection (6)(a) is restricted accordingly.’

Applicant’s Case

10. The Application form was subsequently supplemented by witness statements from both the Applicant and Betsan James which were similar in nature and alleged the Respondent had;

10.1 Committed offences under the protection from eviction act by allegedly on the 10th of February 2025 attempting to enter the property damaging a door and acting in a threatening and intimidating manner;

10.2 Failed to renew gas safety certificates which have expired More than 12 months earlier.

Respondent’s Case

11. The Respondent’s evidence was that he accepted:

11.1 A breach in so far as he had failed to obtain a Gas Safety Certificate before the previous one had expired;

11.2 The reason for the breach / failure being matters in his personal life;

11.3 Attempts to rectify had been hampered by the actions of the Applicant and Betsan James in refusing access for a gas engineer, escalating complaints to various statutory bodies and arranging for Wales and West utilities to remove the gas supply from the property without consultation;

11.4 Rent Repayment Orders are not meant to punish and any award must be proportionate in all the circumstances.

Discussion

12. The Tribunal has carefully considered the evidence in the light of the requirements of the legislation. There is no dispute between the parties that the Applicant was the tenant of the relevant Property, or that the Respondent was the *'appropriate person'* as defined under Section 32(9) of the Act in relation to receipt of periodical payment which the Applicant made *'in connection with a domestic tenancy of a dwelling'*.
13. Section 32(4)(b) applies where the application for a rent repayment order is made by a tenant, as in this case. This provision makes it clear that for the Tribunal to make an order, it must be satisfied that the requirements contained in subsection (7) have been fulfilled. The central issue in this matter is contained in Section 32(7)(a) of the Act, as the Tribunal must be satisfied, amongst other matters, that a person has **been convicted of an offence under Sections 7(5) or 13(3) in relation to the dwelling, or that a rent repayment order has already been made (our emphasis)**. Section 32(7)(c) makes it clear that the application must be made within 12 months beginning with the date of such conviction or order.
16. The notes which accompany the relevant application form *'HWA6'* make it clear that for the Applicants to be eligible to apply for a rent repayment order, the Tribunal must be satisfied that there has been a conviction or order. They also state that the Applicant(s) *'must send'* evidence of such matters. No evidence has been provided to suggest that the Respondent has been convicted of any offence in relation to property matters and this is echoed by District Judge Graham Jones's finding of fact as set out in the written judgment dated the 2nd of March 2026.].
17. In conclusion, the requirements of the legislation for the making of a rent repayment order have not been met and we have no alternative other than to accordingly dismiss the application. Having come to this conclusion we need not consider any other aspects or make any other findings of fact.

Dated this 6th day of May 2026.

Tribunal Judge T Lloyd

President of the Residential Tribunal Wales