

Y TRIBIWNLYS EIDDO PRESWYL
RESIDENTIAL PROPERTY TRIBUNAL

Reference: RPT/0020/10/25

Application: Rent Stopping Order (section 30 Housing (Wales) Act 2014)

Property: 39 Mary Street, Mountain Ash, CF45 4HH

Applicant: Rent Smart Wales

Respondent: Julie Bye

Tribunal: Judge M. Hunt (Chairman)
Mr D. Evans FRICS (Specialist Valuer Member)
Ms S. Hurds

Date: 15 June 2026

ORDER

1. The application for a rent stopping order is upheld.
2. The interim rent stopping order dated 23 October 2025 is made final.
3. The rent payable on 39 Mary Street, Mountain Ash, CF45 4HH is stopped until further order.
4. The Applicant must, within 7 days of receipt, serve a copy of this order on the Respondent, Mr Bye and the tenant of 39 Mary Street, Mountain Ash, CF45 4HH.

REASONS

Introduction

1. On 1 October 2025, the Applicant made an application for a rent stopping order in respect of the dwelling at 39 Mary Street, Mountain Ash, CF45 4HH (the "Property"). This Application was made after the Respondent was convicted of an offence under section 7(5) of the Housing (Wales) Act 2014 (the "Act") on 15 May 2025, notably being the landlord of the Property and the principal contact of the Property's tenant without holding the requisite licence.

2. On 23 October 2025, the Tribunal made an interim rent stopping order. Neither before nor since has it received any correspondence from the Respondent.
3. The Property is owned jointly by the Respondent and Shane Bye. He was notified by the Applicant on 29 August 2025 of the Applicant's intention to apply for a rent stopping order. He did not respond. He was not named as respondent to the Application but the Tribunal served the Application on him and invited him to make representations by 17 April 2026. Mr Bye has not sent any correspondence to the Tribunal.
4. In accordance with Regulation 20 of the Residential Property Tribunal Procedures and Fees (Wales) Regulations 2016 (the "Regulations"), the Tribunal had proposed to determine the Application "on the papers" in light of the Respondent's lack of correspondence. No party objected. It appreciates that it would normally arrange a hearing when considering serious matters such as whether an individual is committing a criminal offence. However, it determined that would be pointless in this case due to the Respondent's complete lack of engagement, noting that the interim rent stopping order has been in place for over 7 months.
5. In reaching its decision, the Tribunal considered a 207-page file of documents prepared by the Applicant together with the Applicant's written answers dated 18 March 2026 to questions posed by the Tribunal in writing on 10 March 2026.

Procedure

6. The Tribunal notes that the relevant "landlord" for the purposes of the Act would appear to be both the Respondent and Mr Bye as joint owners of the Property. Section 30 of the Act focusses on whether an offence is being committed in relation to a dwelling. It does not require both joint owners to be committing that offence. Nevertheless, it is important that the status of all joint landlords is properly considered as, if any one of them has a licence, it may well indicate that a relevant offence is not being committed. It is also important to ensure all joint landlords are provided with the opportunity to respond to applications for rent stopping orders as they may be affected by the making of such an order. In this case, the Applicant had quite rightly served notice of intended proceedings on Mr Bye (as "landlord" it was required to do so by section 30(6) of the Act). However, the Tribunal had been given no information about Mr Bye's licensing status in the context of the Application. He had neither been named as Respondent, interested party, nor provided with a copy of the Application. He should have been, both in fairness generally and due to a combination of Regulations 6(f) and 16 (he is, at the least, undoubtedly an "interested party"). The Tribunal therefore sent him a copy of the Application on or around 10 March 2026, providing an opportunity to make

representations by 17 April 2026. He did not. On 18 March 2026, the Applicant informed the Tribunal that Mr Bye was not, and never had been, licensed by it. Mr Bye having been given the opportunity to make representations on the Application, the Tribunal was satisfied it could and should proceed to determine the Application.

Relevant Law

7. Section 4 of the Housing (Wales) Act 2014 (the “Act”) obliges landlords of dwellings for let to be registered with Rent Smart Wales.
8. In accordance with section 7 of the Act, they must also be licensed if they manage a tenancy on their own account. Sub-section (2) details the activities that are to be considered “management”, which include collecting rent and being a tenant’s principal point of contact. If the landlord is not so licensed and undertakes management work without reasonable excuse, it is a potential criminal offence (sub-section (5)).
9. A landlord can alternatively engage licensed agents to manage tenancies on their behalf. In both cases, Rent Smart Wales (the Applicant) is the licensing authority.
10. Section 30 of the Act is as follows:

30 Rent stopping orders

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

(a) the licensing authority for the area in which the dwelling is located, or

(b) the local housing authority for the area in which the dwelling is located.

...

(4) The tribunal may make a rent stopping order only if it is satisfied of the matters mentioned in subsections (5) and (6).

(5) The tribunal must be satisfied that an offence is being committed under section 7(5) or 13(3) in relation to the dwelling (whether or not a person has been convicted or charged for the offence).

(6) The tribunal must be satisfied that—

(a) the authority making the application for the order has given the landlord and the tenant of the dwelling a notice (a “notice of intended proceedings”)—

(i) explaining that the authority is proposing to apply for a rent stopping order,

(ii) setting out the reasons why it proposes to do so,

(iii) explaining the effect of a rent stopping order,

(iv) explaining how a rent stopping order may be revoked, and

(v) in the case of a notice given to a landlord, inviting the landlord to make representations to the authority within a period of not less than 28 days specified in the notice,

(b) the period for making representations has expired, and

(c) the authority considered any representations made to it within that period by the landlord.

(7) The tribunal may not specify a stopping date for the purpose of subsection (3)(a) which precedes the date on which the rent stopping order is made...

11. Sections 2 and 49 of the Act define “the landlord” as follows:

“landlord” (“landlord”) means—

(a) in relation to a dwelling subject to a domestic tenancy, the immediate landlord or, in relation to a statutory tenant, the person who, apart from the statutory tenancy, would be entitled to possession of the dwelling subject to the tenancy...

12. The licensing authority (Rent Smart Wales, the Applicant) has provided guidance relating to landlord registration on its website – <https://rentsmart.gov.wales/en/landlord/landlord-registration/>. It states that:

“A landlord could be:

- An individual*
- Two or more persons who own a rented property jointly*
- A company*
- A charity; or*

- *A trust*

*Joint landlords simply register through **one** registration. A joint landlord arrangement will require one landlord to act as the 'lead' landlord for the purposes of registration".*

13. On the same webpage, it states as follows:

"The complexities of different ownership arrangements

It is important that your registration reflects the ownership arrangement of the rental property. Different ownership arrangements will require their own separate registration.

Example 1

If you own one property individually, and another property jointly with another person, you will need to create two separate registrations and may also need two separate licences if you both undertake letting and management activities

Example 2

If you and another person own two properties jointly, only one registration is required".

Issues

14. The main issues for the Tribunal to determine were as follows.

- (1) Whether the requirements of section 7(6) of the Act had been satisfied.
- (2) Whether the Tribunal was satisfied, beyond reasonable doubt, that the Respondent is committing an offence. The offence alleged is to be managing the domestic tenancy of the Property without the requisite licence, notably being the tenant's principal point of contact. If the core facts are established, the Tribunal will need to consider whether the Respondent had a reasonable excuse for not having obtained the requisite license.
- (3) If an offence is being committed, whether the Tribunal should make a rent stopping order.

Facts and Conclusions

15. As the Respondent has submitted no response to the Application, there appears to be little, if any, dispute about the relevant facts. Nevertheless, the Tribunal must be satisfied it should make a rent stopping order before doing so. As it is considering whether an offence is being committed, when it made relevant findings of fact it did so on the basis that they had to be proven beyond reasonable doubt.

Issue 1: Notice of intended proceedings

16. In this case, no concerns were raised about Rent Smart Wales' compliance with the requirement to give the landlord and tenant a notice of intended proceedings. Copies were provided to the Tribunal. In respect of the Respondent and the tenant, the notices were dated 31 July 2025. In respect of Mr Bye, the notice was dated 29 August 2025. The Respondent and Mr Bye were provided with 28 days to make representations; neither did. The Applicant therefore had none to consider and made the Application after the relevant deadlines had passed, on 1 October 2025.
17. The Tribunal was satisfied that valid notice of intended proceedings had been given and that all procedural requirements had been met.

Issue 2: Is an offence being committed in relation to the Property?

18. The Respondent was convicted of the offence, as landlord, of being the Property's tenant's principal point of contact by Cardiff Magistrates' Court on 15 May 2025. This is clearly a strong indication that she was committing the offence on that date. Furthermore, unless the Respondent had taken steps to cease committing the offence (such as ceasing to let or selling the Property, obtaining a licence or appointing a licensed agent), the conviction would suggest the offence is ongoing. Unless presented with very good reasons, the Tribunal would rarely (if ever) have cause to question a conviction.
19. Nevertheless, the Act provides that it is the Tribunal's role to establish whether an offence is still being committed (whether or not a conviction has been made). The conviction itself is therefore best considered as persuasive evidence.
20. As to the relevant facts, the Property is subject to a domestic tenancy. It is jointly owned by the Respondent and Mr Bye. Upon registering as landlord with Rent Smart Wales on 3 November 2022, the Respondent indicated she alone would be managing the tenancy. She does not have a licence. She has not appointed a licensed agent to manage the tenancy. She was convicted on 15 May 2025 of being the tenant's principal point of contact. In light of the conviction and no information to indicate any change in the Property's management (of which the Applicant would have to be made aware in accordance with section 16 of the Act), including in response to the notice of intended proceedings, the Tribunal was satisfied that the core elements of the offence were made out (notably that the Respondent remained the Property's tenant's principal point of contact).
21. The Respondent has not claimed to have a reasonable excuse for managing the Property without a licence and none was obvious to the Tribunal.
22. Accordingly, the Tribunal was satisfied the offence is being committed.

Issue 3: Should the Tribunal make a rent stopping order?

23. The Respondent presented no argument that the Tribunal should not make the order applied for. A criminal offence is being committed, which is self-evidently a serious matter. The Respondent has had many opportunities to bring herself into compliance with the requirements of the Act. She has not. The Tribunal determined it was plainly appropriate to make the order.

Appeals

19. In accordance with section 231 of the Housing Act 2004, the Respondent may make an application for permission to appeal to the Upper Tribunal (Lands Chamber). In accordance with Regulation 37, such application must be made in writing and be received by the Tribunal within 21 days of the date of this decision. The application must state the grounds for the appeal.

20. The Respondent should also note that, in accordance with section 31 of the Act, she is entitled at any time to apply to the Tribunal for the rent stopping order to be revoked once she ceases to commit the offence.

Dated this 15th day of June 2026

Judge M. Hunt