



Rent Repayment Orders

A TENANTS' GUIDE

Introduction

The Housing Act 2004 introduced rent repayment orders to cover situations where the landlord of a property had failed to obtain a licence for a property that was required to be licensed, specifically offences in relation to licensing of Houses in Multiple Occupation (section 72(1)) and offences in relation to licensing of houses under Part 3 of the Act (section 95(1)).

The rent repayment order (RRO) were extended under the Housing and Planning Act 2016 to enable tenants to reclaim up to twelve months rent where a landlord has committed an offence on or after 6 April 2017 and the offence relates to the following situations:

- Failure to comply with an Improvement Notice under Section 30 of the Housing Act 2004.
- Failure to comply with a Prohibition Order under Section 32 of the Housing Act 2004.
- Breach of a Banning Order made under Section 21 of the Housing and Planning Act 2016.
- Using violence to secure entry to a property under Section 6 of the Criminal Law Act 1977.
- Illegal eviction or harassment of the occupiers of a property under Section 1 of the Protection from Eviction Act 1977.

In most cases an application for an RRO needs to be made as soon as possible, this is because the amount you can claim will decrease as time goes on. Tenants, or former tenants can usually get help with their application from a Citizens Advice Bureau, a students union, or another local organisation.

Your landlord has no right to make you leave your home because you are applying for a RRO. The laws protecting your tenancy will still apply and there are extra legal restrictions on evictions by landlords who are running unlicensed accommodation.

This guide explains the process for applying for a RRO and describes the evidence you will need. It also explains where you can get help and the roles of the various people involved.

A rent repayment order can be applied for when the landlord has committed an offence, whether or not a landlord has been convicted of one of the offences listed above. Where an application for a RRO is made and the landlord has not been convicted of the offence, the First-tier Tribunal will need to be satisfied beyond reasonable doubt that the landlord has committed the offence.



CONTENTS

Introduction.....	1
What is a Rent Repayment Order	2
Applying for a Rent Repayment Order	2
What Help is Available	2
How Much Rent Can I Reclaim.3	
Documents Required with Your Application.....	3
What Happens Next	4
Tribunal Decision	4
How Much Rent Will Be Paid ...4	
What is the Hearing Like.....	4
Can My Landlord Evict Me	5
Further Advice.....	6



WHAT IS A RENT REPAYMENT ORDER

A RRO is an order made by a Residential Property Tribunal (RPT) which requires a landlord to repay to tenants, the rent paid for accommodation that was paid to the landlord. The maximum amount that tenants can ask for is the total rent paid over a twelve month period, however the actual amount in the RRO could be much less.

A tenant can apply for a rent repayment order provided that:

The landlord committed an offence relating to housing that was occupied by the tenant at the time

of the offence; and

The application for the rent repayment order is made within 12 months of the date that the offence has been committed.

Your local council's environmental health department or private sector housing team will let you know if either of the above has occurred.

Please note: Only private tenants can apply for RROs, this power is not available to council tenants or tenants of housing associations or arms length management organisations.

The maximum amount of rent that can be claimed back is for a total of twelve months !

APPLYING FOR A RENT REPAYMENT ORDER

To make an application for a rent repayment order, a tenant only needs to submit a claim to the First-tier Tribunal which sets out the reasons for the claim and the dates to which it relates.

The application form RR01 is available from the GOV.uk website. The application form details whether a fee is payable which must accompany the application submission.

In certain circumstances you may get assistance with the payment of any fees applicable for the application.

WHAT HELP IS AVAILABLE

Tenants can get help from various organisations:

- Tenants and Residents Associations or Tenants Federations,
- Shelter
- Your local council's environmental health department or private sector housing team
- Citizen's Advice Bureau or a Law Centre
- Other community organisations e.g. churches or mosques, black and ethnic minority groups or older or disabled peoples' group

If one tenant is willing to act for all the tenants in applying for the RRO the others only need to sign a declaration stating the name of the person they are appointing to act on their behalf,

Alternatively the person acting for the tenants can be from one of the above local organisations or a friend or relative of one of the tenants, as long as the tenants trust that person to represent them.



HOW MUCH RENT CAN I RECLAIM?

Tenants can apply to reclaim the rent paid for a period of up to a maximum of twelve months ending on the date of the application to the RPT. You can ask to reclaim the rent for the full twelve months if you lived there and paid rent to the same landlord throughout this period. However the period for reclaim of the rent will end earlier if you have moved away, if the landlord has changed, or if the landlord has applied to the local council for a licence. Please note you cannot claim for any rent paid by housing benefit in your claim.

You will need to be able to prove that you actually paid the amount of rent you are claiming and who you paid it to. When you apply for the RRO you will need to send a copy of your rent book, if you have one, otherwise make a list of all payments made by each tenant, see Annex 5. Any tenants who go to the hearing should take proof of payment, for example, bank statements or cheque stubs, in case there is a dispute about the rent. If the landlord or the managing agent has acknowledged receipt of rent payments, say by email, you should include this as evidence.

The RRO is likely to require the landlord to repay less rent than the amount of rent that you are asking to reclaim.

DOCUMENTS REQUIRED WITH YOUR APPLICATION

The Tribunal will not process the application unless you include:

- Evidence that you have paid periodical rent payments in respect of occupation of the premises during the period in which it is alleged that your Landlord committed the offence.
- A copy of the tenancy agreement.
- A crossed cheque or postal order for the application fee. Ensure you put your name and address on the back of any cheque you send. The application form will detail the application fee applicable.

Following receipt of the application you may be asked to provide further documents in support of your application.

Help With Fees

You may be entitled to a reduced fee, you can refer to the guide EX160A 'Apply to help with court, tribunal and probate fees' that outlines how you can submit an application for Help with Fees.

You can get a copy of the 'Apply for help with fees' form online at www.gov.uk/government/publications/apply-for-help-with-court-and-tribunal-fees or from your regional tribunal office.

WHAT IS THE HEARING LIKE?

The hearing at the Residential Property Tribunal is similar to a court hearing, but less formal.

The case is heard by two or three panel members. The panel chairman introduces the case and explains what will happen; you can ask the chairman questions at any time if you need to.

The panel members can ask the landlord and the tenants' representative questions throughout the case and take notes.

RPT panels generally hear cases without lawyers, but everyone does have the right to be represented by a solicitor or barrister or by some other person. Don't let this put you off, many landlords do represent themselves and the Chairman of the panel will help you if necessary.

All tenants who are making the claim need to be present unless they have appointed a person to represent them. We recommend that two or more tenants are there anyway, in case they need to answer questions about the rent, the accommodation, or any issues the landlord may raise about the behaviour of the tenants, see below.

If a number of tenants have applied for the RRO themselves, it is easier if they appoint a spokesperson to lead their case at the tribunal. Other tenants will still get the opportunity to speak if they want to.

The hearing starts with the tenants' representative (rep) saying why they have applied for the RRO he/she can simply read out the Grounds of the Application from the application form and introduce the evidence in the bundle. The landlord or his/her lawyer will ask questions of the tenant rep and then put their own case to say why the panel should not make an RRO or why it should be for less money than is claimed. The tenants' rep will then be able to question the landlord, or comment on what has been said. Other tenants will be able to have their say too.

WHAT HAPPENS NEXT?

After you have submitted your application, The RPT will send your application to the landlord. They will ask for five copies of the papers you wish to present at the hearing by a certain date, one of these will go to the landlord.

The papers for the hearing need to be in a bundle which is easy for the tribunal to refer to, for a list of the documents to be included on page 3. All the papers need to be put in date order, each page should be numbered and a list of contents with page numbers should be at the front. Once copied the papers need to be placed in a binding which will keep them in order. You may wish to get advice on preparing the bundle from one of the local organisations mentioned above.

The RPT panel members will usually visit the house or flat before the hearing. If you are at home when they visit, it is okay to talk to them, but do bear in mind that they will not take what you say into account when making their decision. They can only make their decision on the written evidence and what is said at any hearing.



TRIBUNAL DECISION

The panel will not make their decision at the hearing. You will normally get 21 days notice of any hearing. In some cases the RPT will make a decision without an oral hearing, but this would be unusual in the case of an RRO. In any case you would be sent a written record of the RPT panel's decision.

The landlord and the tenants can appeal to the Lands Tribunal against a RRO, including the amount of money to be repaid, but must apply within 21 days. If the appeal to the Lands Tribunal involves a hearing the same tenants who were at the RPT hearing, will need to be there, the procedures are similar to those for the RPT.

HOW MUCH RENT WILL BE REPAID?

The RRO has the discretion to decide the amount of money the landlord must repay in the RRO. This amount is unlikely to be the amount of rent claimed by the tenants. The Tribunal has to decide on an amount they consider to be reasonable for the RRO, this decision will be based on the:

- amount of rent paid
- conduct of the landlord (how well he/she manages the accommodation and its condition)
- landlord's income, and
- whether the landlord has at any time been convicted of an offence in relation to the Licensing of Houses of Multiple Occupation and those specified on page 1.

The rent repayment order can only cover the period during which the offence was committed, if the offence was committed over a less than a 12 month period then it will only cover that period and not a full 12 months.

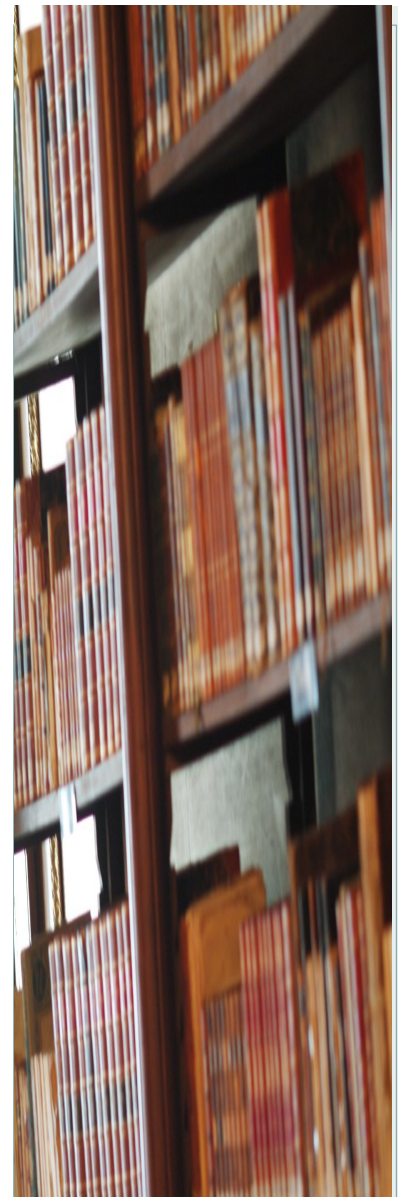
For offences involving unlawful eviction and violent entry, it is the 12 months preceding the offence that counts.

If the tenant paid their rent themselves, then the rent must be repaid to the tenant. If the rent was paid through Housing Benefit or through the housing element of Universal Credit, then the rent must be repaid to the local housing authority. Where paid partially by the tenant with the remainder through Housing Benefit or Universal Credit then it will be repaid on an equivalent basis. In this case the amount then paid to the tenant will not exceed the rent paid in the relevant period, less any relevant award of universal credit paid (to any person) in respect of rent under the tenancy during that period.

The landlord may appeal against a decision of the first-tier Tribunal to the Upper Tribunal provided that permission to appeal has been given by the First-tier Tribunal or the Upper Tribunal.

The First-tier Tribunal will set a date by which the rent repayment order must be paid to the tenants; they may agree to the landlord paying the money in instalments.

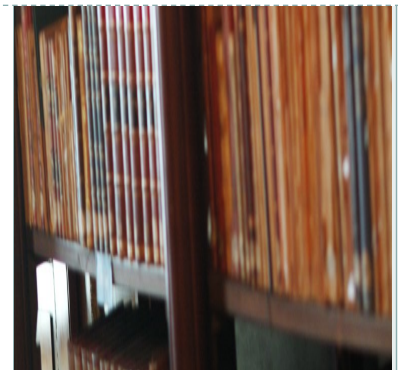
Where the landlord fails to pay a rent repayment order, the tenant should refer the case to the county court for an Order of that Court. If necessary the tenant would need to use county court bailiffs to enforce the order and recover the debt.



An application may be process without the need for a hearing, although the Tribunal may decide that a hearing is necessary.

CAN MY LANDLORD EVICT ME?

Your landlord has no right to make you leave your home because you are applying for a RRO. If your landlord does try to evict you, you should seek legal advice, there are extra restrictions on landlords powers to evict, where the accommodation is not licensed, see Housing Act 2004, section 75.



Please Note:

This guidance is not statutory guidance and so should be read in conjunction with the law. The advice may be subject to challenge by the Courts or the Residential Property Tribunal.

Further Advice

Shelter:

140-150 Pilgrim Street, Newcastle upon Tyne, NE1 6TH
0344 515 1601
shelternortheast@shelter.org.uk

Citizens Advice:

Camden House, Camden St, North Shields NE30 1ND
0300 330 9047
<https://www.ntcab.org.uk/>

North Tyneside Council Housing Advice:

0191 643 2520
housingadvice@northtyneside.gov.uk

Legislation and Guidance

Housing Act 2004**The residential Property Tribunal Procedure (England) Regulations 2006****The Housing and Planning Act 2016****Rent Repayment Orders Under the Housing and Planning Act 2016, Guidance for Local Housing Authorities, Department for Communities and Local Government, 2017.****Environmental Health**

Quadrant, The Silverlink North, Cobalt
Business Park, North Tyneside, NE27
0BY

Tel: 0191 643 6100,
Environmental.health@northtyneside.gov.uk

