



# Rent Repayment Orders

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# In This Session:

- What is a Rent Repayment Order (RRO)?
- Who can make a RRO Application?
- Common difficulties for Applicants
- The Legislation
- Case Law

Housing Act 2004

Housing and Planning Act 2016



# What is a Rent Repayment Order?

- First-tier Tribunal
- Relevant Offence
- Requires “the landlord under a tenancy of housing in England” to
- “Repay rent paid by a tenant”
- Or pay a LHA an amount in respect of UC paid in respect of rent under the tenancy



# Who can make a RRO Application

- Tenant
  - Offence relates to housing that, at the time of the offence, was let to the tenant
  - Offence committed in the period of 12 months ending with the day on which the application was made
- 
- Local Housing Authority

# Relevant Offences

	<i>Act</i>	<i>section</i>	<i>general description of offence</i>
1	Criminal Law Act 1977	section 6(1)	violence for securing entry
2	Protection from Eviction Act 1977	section 1(2), (3) or (3A)	eviction or harassment of occupiers
3	Housing Act 2004	section 30(1)	failure to comply with improvement notice
4		section 32(1)	failure to comply with prohibition order etc
5		section 72(1)	control or management of unlicensed HMO
6		section 95(1)	control or management of unlicensed house
7	This Act	section 21	breach of banning order



# What Next if you think an offence has been committed?

S72 Housing Act 2004:

- LA has to publish public list of license holders – check their website
- Email the LA's housing team

# What Next – RRO1

First-tier Tribunal Property Chamber  
(Residential Property)

Ref no. (for office use only)

## Application by Tenant or Local Housing Authority for a Rent Repayment Order Housing and Planning Act 2016

It is important that you read the notes below very carefully before you complete this form.

This is the correct form to use if you are (or were) a tenant of a residential property where a landlord has committed an offence to which Chapter 4 of Part 2 of the Housing and Planning Act 2016 applies and you wish to apply to the Tribunal for a rent repayment order under sections 41(1) and 41(2) of the Act.

This is also the correct form if you are a local housing authority where a landlord has committed an offence to which Chapter 4 of Part 2 of the Housing and Planning Act 2016 applies and, having given notice of intended proceedings, you wish to apply to the Tribunal for a rent repayment order under sections 41(1) and 41(3) of the Act.

Please note you should **NOT** use this form if the application relates to an offence under s72(1) or 95 (1) of the Housing Act 2004 committed before 6 April 2017 or is a continuing offence first committed before 6 April 2017, unless the offence continues after 5 April 2018.

**IMPORTANT NOTE:** The application must be made not later than 12 months after the date of the alleged offence.

**A fee is payable for this application (see section 10 for Help with Fees).**

Applications should be sent as a Microsoft Word document by **email** to the relevant regional tribunal address shown in the Annex to this form. You must also send by email **the appropriate documents listed**





# What Next – RRO1

- The parties
- A brief description of the property
- Availability for hearings
- Grounds for making the application
- Checklist



# What Next – Application Period

First-tier Tribunal Property Chamber  
(Residential Property)

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# What Next – Application Period

<i>If the order is made on the ground that the landlord has committed</i>	<i>the amount must relate to rent paid by the tenant in respect of</i>
an offence mentioned in row 1 or 2 of the table in section 40(3)	the period of 12 months ending with the date of the offence
an offence mentioned in row 3, 4, 5, 6 or 7 of the table in section 40(3)	a period, not exceeding 12 months, during which the landlord was committing the offence



# Amount Of Order: Tenants

- the conduct of the landlord and the tenant,
- the financial circumstances of the landlord, and
- whether the landlord has at any time been convicted of an offence to which this Chapter applies.



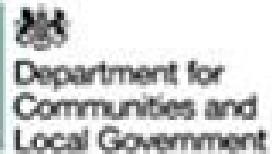
# Amount Of Order - Caselaw

- *Vadamalayan v Stewart and others* (2020) UKUT 0183 (LC)
- *Chan v Bilkhu & Anor* (2020) UKUT 289 (LC)



# Amount Of Order – Statutory Guidance

- Punishment of the offender
- Deter the offender from repeating the offence
- Dissuade others from committing similar offences
- Remove any financial benefit the offender may have obtained as a result of committing the offence



Rent repayment orders under the Housing  
and Planning Act 2016

Guidance for Local Housing Authorities





# The Respondent

- Section 40 - 41 Housing and Planning Act 2016
- *Goldsbrough vs CA Property Management Ltd and Others* [2019] UKUT 311 (LC)
- *Rakusen v Jepsen* [2020] UKUT 298 (LC)
- *Pollway Nominees Limited v Croydon London Borough Council* [1987] 1 AC 79 (Lord Bridge at p 92D and Lord Goff at p98 B-D)



# Tribunal Process

Case Management Hearing

Directions

Bundles

Final Hearing

Decision



# Tribunal Process - Bundles

- Digital indexed and paginated Adobe PDF
- As far as possible, in chronological order
- The application and accompanying documents;
- Directions;
- An expanded statement of the reasons for the application;
- Full details of the alleged offence, with supporting documents from the local housing authority;
- a copy of the tenancy agreement;





# Tribunal Process - Bundles

- official Land Registry copies of the freehold title and any leasehold title to the property;
- evidence of rent payments
- a calculation, on a weekly/monthly basis, of the amount of rent paid in the applicable period. A calculation must also be provided for any universal credit/housing benefit paid during the period;
- Witness statements; and
- any other documents relied upon.



# Tribunal Process - Hearing

Introduction

Applicant's opening

Skeleton?

Respondent's opening

Witnesses?

Costs?



## Contact us

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