

# HOUSING (WALES) ACT 2014

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 1 Regulation of Private Rented Housing**

##### ***Section 30 – Rent stopping orders***

74. The licensing authority or the local housing authority for the area in which a dwelling is located, can apply to a residential property tribunal for a rent stopping order. A local housing authority that is not the licensing authority must have the consent of the licensing authority before making an application.
75. The effects of a rent stopping order granted by a tribunal are described in subsection (3) (a) to (e). A rent stopping order has the effect of stopping those rent/service charge payments (or parts of payments) owed by a tenant to a landlord which are payable in respect of a specified period. This period begins with a date specified in the rent stopping order and ends with a later date determined by the tribunal when the rent stopping order is revoked (see section 31). Amounts of rent/service charge paid by a tenant to a landlord which relate to that period must be repaid by the landlord. If repayment does not occur, the money is recoverable as a debt owed to the tenant by the landlord.
76. A tribunal can only make a rent stopping order if it is satisfied that an offence is being committed under section 7(5) or 13(3) (whether or not the person has been convicted or charged for the offence) and that certain steps have been taken by the authority making the application. The authority must give the landlord and tenant a notice of intended proceedings, which explains that the authority is proposing to apply for an order. It must also set out the reasons for seeking the order, the effect of the order, and it must explain how such an order may be revoked. The notice must allow the landlord to make representations to the authority within a period of not less than 28 days.
77. Additionally, and before granting an order, the tribunal must be satisfied that the period for making representations has expired and that the authority has considered any representations made to it. The date from which payments are stopped cannot be a date before the date on which the order is made.