

# HOUSING (WALES) ACT 2014

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

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

##### *Section 32 – Rent repayment orders*

81. This section should be read in conjunction with section 33.
82. The licensing authority or the local housing authority for the area in which a dwelling is located, or a tenant of that dwelling can apply to a residential property tribunal for a rent repayment order. If it is not the licensing authority for the area in which the dwelling is located, the local housing authority must have the consent of the licensing authority before applying.
83. A rent repayment order is made in respect of a dwelling. It requires the appropriate person to pay to the applicant such an amount as detailed in the order. Prior to making an order upon an application of a licensing authority or local housing authority, the tribunal must be satisfied of certain matters, these are different from the matters to which a tribunal must be satisfied in the event of an application being made by a tenant.
84. In relation to an application made by a licensing authority or local authority, the tribunal must be satisfied that an offence under 7(5) (requirement for landlords to be licensed to carry out property management activities) or 13(3) (offence of appointing an unlicensed agent) has been committed by the landlord of the dwelling in the 12 months prior to the date of the required notice of intended proceedings under this part, (whether or not the person has been convicted or charged for the offence). Applications from the licensing authority or the local housing authority may be made only in cases where a relevant award or awards of universal credit or housing benefit has been paid to any person in relation to that dwelling, that being the amount that the tribunal can direct to be repaid to the applicant authority.
85. Where an application is made by a tenant, a tribunal in granting an order, must be satisfied that a person has been convicted of a relevant offence; it may also make grant an order where it has already made an order as a result of an application by a licensing authority or local housing authority covering a relevant award or awards of universal credit or housing benefit paid in relation to the same tenancy.
86. The meaning of key terms used in this section are defined in subsection (9).