

Rent Repayment Orders— A Tenant's Guide

Camden Federation of Private Tenants

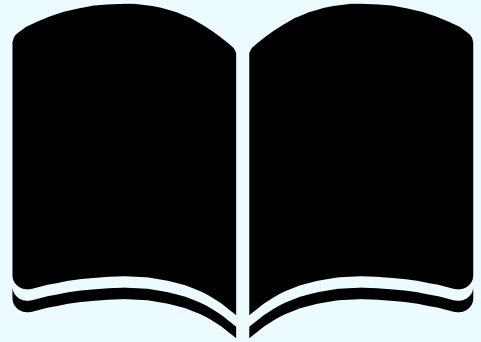


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What is a Rent Repayment Order?



- A Rent Repayment Order (RRO) is a legal order that can be made by a First-tier Tribunal (FTT) requiring a landlord/agent to repay some or all of the rent that they have received from their tenant up to a maximum of 12 months.
- RROs were introduced in England as part of the Housing and Planning Act 2016, and they are designed to protect tenants from unscrupulous landlords who are renting out substandard or unsafe properties.
- RROs can be made in cases where a landlord has breached their legal obligations, such as failing to obtain the necessary licenses or approvals for the property or renting out a property that is not fit for habitation.

Who can apply for an RRO?

- Current or former **private tenants** who have paid rent to a landlord for a property that is not up to legal standards.
- Additionally, local authorities and certain other bodies may also be able to apply for RROs in some circumstances.
- As a tenant/applicant you must have lived in the property during the period for which you seek the RRO.
- Moreover, you should hold one of the following type of tenancies:
 - an assured shorthold tenancy;
 - a regulated/protected tenancy.
- If in doubt, you can check the type of your tenancy **here**.



When can I apply for an RRO?

- To obtain an RRO, your landlord must have committed an offence or breached their legal obligations, such as by failing to carry out necessary repairs, providing inadequate heating or hot water, or renting out a property without the necessary licenses or approvals.
- The specific offences include:
 - Using or threatening violence for securing entry into premises;
 - Illegal eviction or harassment;
 - Failure to comply with improvement notice;
 - Failure to comply with prohibition order;
 - Breach of banning order;
 - Having control of, or managing, an unlicensed property;
 - Having control of, or managing, an unlicensed house in multiple occupation (HMO).



Common offences explained

- 1. Renting out a property without the necessary licenses or approvals:** Landlord rents out a property that requires a mandatory HMO license or selective licensing without it.
- 2. Failing to comply with an improvement notice:** A local authority issues an improvement notice to a landlord requiring them to carry out repairs or improvements to a property, and the landlord fails to comply with the notice.
- 3. Unlawful eviction or harassment:** Landlord attempt to evict a tenant without going through the proper legal process or harasses/intimidates their tenants.
- 4. Failure to provide adequate living conditions:** Landlord fails to keep the property safe, clean, and in a good state of repair, e.g. there is no adequate heating, hot water, or proper sanitation in your flat.

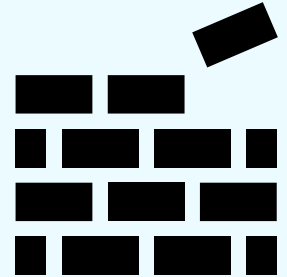
Before you apply

- Remember that the burden of proof will be **on you**. In other words, you will have to prove, **beyond reasonable doubt**, that the landlord/agent has committed one or more of the previously listed offences.
- Please also note, that **the sooner you apply for a RRO, the better**. There are strict time limits for making a claim for a RRO.
 - Generally, the claim must be made within 12 months of the date of the offence.
 - However, it is important to note that this time limit can be extended in certain circumstances, such as where the tenant was unaware of the breach or was prevented from making a claim due to the landlord's actions.



How to apply for an RRO, step-by-step

- The following is a general overview of the process, but it is important to note that the specific details can vary depending on the circumstances of the case.
- Moreover, the process itself can be complex, and it is a good idea to seek advice from a qualified legal professional or specialist organisations such as Flat Justice before making a claim.



Step 1: Gather Evidence

To support an RRO application, you should gather evidence of the breach or offence committed by the landlord. The specific evidence required will depend on the circumstances of the case, but it may include some or all of the following:

- ❑ **Written documentation:** for example the tenancy agreement, rent receipts, and any correspondence with the landlord.
- ❑ **Photographs or videos:** to demonstrate any problems with the condition of the property or any breaches of health and safety regulations.
- ❑ **Reports from authorities:** for example from environmental health officers.
- ❑ **Witness statements:** Statements from neighbours or others who have witnessed the problems with the property or the landlord's behaviour.
- ❑ **Financial records:** Bank statements or other financial records can be used to demonstrate the amount of rent paid.

Step 2: Determine Eligibility

- You should confirm that you are eligible to apply for a RRO based on the type of tenancy you have and the nature of the breach or offence committed by your landlord/agent.



Step 3:

Complete the Application

- Complete the relevant application form, which can typically be found on the website of the First-tier Tribunal (Property Chamber).
- The form will require you to provide details of the tenancy, the landlord, and the alleged breach or offence, as well as any evidence to support the claim.



Step 4:

Submit the Application

- The completed application form should be submitted to the relevant tribunal along with any supporting evidence.
- You should also pay the appropriate fee, which can vary depending on the amount of rent claimed and other factors, but usually amounts to £100 (split between tenants if applying jointly).
- However, if you are successful in securing the order the court will usually order the landlord to pay the costs.



Step 5: Attend the Hearing

- If the application is accepted by the tribunal, a hearing will be scheduled, and you and the landlord will be required to attend.
- At the hearing, both parties will have the opportunity to present their case and provide evidence, and the tribunal will make a decision on whether to grant the RRO and, if so, the amount of rent to be repaid.



What remedy should I expect?

- If you are successful in your application for a Rent Repayment Order, the tribunal can order the landlord to repay some or all of the rent paid during the period of the breach or offence. The amount of rent that can be repaid will depend on the specific circumstances of the case and the decision of the tribunal.
- The tribunal can order the landlord to repay up to 12 months' rent for each offence or breach committed. This means that if there were multiple offences or breaches over a period of time, you may be able to recover a significant amount of rent.
- In addition to ordering the repayment of rent, the tribunal can also order the landlord to pay a penalty of up to three times the amount of rent that is repaid. This penalty is intended to be a deterrent against future breaches or offences by the landlord.

Any questions?

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