

Tenants guide to rent repayment orders

What is a rent repayment order?

A rent repayment order (RRO) is an order made by the First-tier Tribunal requiring a landlord to repay a specific amount of rent. The Housing Act 2004 introduced RRO to cover situations where a landlord needed to apply for a property licence but failed to do so, RRO have been extended under the Housing and Planning Act 2016 to cover a wider range of breaches.

Rent repayment orders can be applied for when landlords have been convicted of certain offences. These offences include:

- 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.

Who can apply and who would the repayment be made to?

Either a tenant or the local authority can apply.

Where the rent was paid by the tenant themselves from their own funds the repayment order would be made to the tenant. If the rent was paid via Housing Benefit or Universal Credit the repayment would be made to the Local Authority.

I have moved to a new address, can I still apply for a rent repayment order?

Yes, as long as: -

- The repayment order is made in connection with a property the tenant occupied at the time the offence was committed; and
- The repayment order is issued within 12 months of the date of the offence being committed.

This document was last amended in January 2019 and was considered accurate at that time. Changes to legislation which occurred after this date will not be reflected in the content. This document should not be considered comprehensive, nor should it take the place of legal advice where this is required.

How would a tenant apply for a rent repayment order?

A tenant would need to submit a claim to the First -tier Tribunal. The claims should set out the tenant's reason for the claims and include relevant dates such as date of tenancy and date of offence.

What evidence will I be expected to provide?

You will need to provide evidence that you have paid rent in respect of the occupation of the premises during the period it is alleged that the offence was committed.

You will also need to provide evidence that the offence took place. The landlord may not have been charged with the offence, but the Tribunal must be satisfied beyond a reasonable doubt that the offence took place.

How much rent can be repaid?

A rent repayment order can only cover the period during which the offence was committed, up to a maximum of 12 months.

Where the offence is illegal eviction or violent entry it is the 12 months preceding the offence that is considered.

Will I have to pay a fee?

You will need to pay a fee of £100 when you submit your application for the rent Repayment order. If there is a hearing you will have to pay £200 when you receive notification of the hearing date.

Do I have to attend a hearing?

When you submit the application for the Rent Repayment order you will be asked if you would like to attend a hearing or if you would prefer to receive a paper determination. Even if you ask for a paper determination the Tribunal may decide that a hearing is required.

What next?

To start your application, or for more information go to <https://www.gov.uk/government/publications/form-rro1-application-by-tenant-or-local-housing-authority-for-a-rent-repayment-order-housing-and-planning-act-2016>

This document was last amended in January 2019 and was considered accurate at that time. Changes to legislation which occurred after this date will not be reflected in the content. This document should not be considered comprehensive, nor should it take the place of legal advice where this is required.