Private Sector Housing Enforcement Policy 2018 – 2022

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1. The Councils Objectives

1.1 The Council's objectives through its private housing enforcement policy are to improve the quality, choice and standards in housing, improving the quality of the street scene and improving residents' satisfaction with their neighbourhood as a place to live.

1.2 It goes further in that the aim is to reduce the risks to health and safety of persons living in and visitors to their homes.

1.3 The Council will use all available legislation to ensure that the private housing stock within the city of Hull is safe, well managed, maintained in good repair, not overcrowded and does not pose a statutory nuisance. This supports the priorities in the overarching Housing and Neighbourhood Renewal Strategy for Hull 2011-16.

2. Scope

2.1 This policy covers the way in which the Council will deal with statutory nuisance from property, hazards and amenity standards in the home which affect the health, safety, comfort and convenience of occupiers, visitors and the public. In developing this policy the Council has had regard to the Regulators' Compliance Code, which requires a risk-based approach and proportionality to regulatory enforcement.

2.2 The Council supports responsible landlords who are prepared to commit themselves to managing and maintaining their properties in accordance with modern acceptable standards. It does this through supporting a range of schemes including the Hull Accredited Landlord Scheme (HALS).

3. Purpose

3.1 The purpose of this policy is to set out the way in which the Council will respond to service requests in relation to enforcing housing standards and the actions that it will take to secure housing improvements. Appendix 1 of this policy details the range of proactive and statutory actions to improve housing standards that are available.

3.2 The extent of enforcement will be related to the risk posed by the condition or situation and the likely benefits achieved by compliance.

3.3 The Council will take a consistent approach in similar circumstances.

3.4 Whilst dealing with statutory obligations across the city, the Council will target enforcement activity towards houses in multiple occupation and areas at risk of decline or neglect by owners.

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3.5 The Council will help all members of the community to understand their rights and obligations.

3.6 The Council will act formally in most cases. Exceptions to this are where the landlord/agent is accredited.

3.7 The Private Housing (Environmental Health) service will work with other council services and partner agencies to deliver a whole neighbourhood approach where appropriate.

4. Accreditation for landlords in the private rented sector

4.1 The Council is committed to working in partnership with responsible landlords who engage with the Council. The Council will offer information, advice and training to support landlords to provide safe, well managed accommodation.

4.2 One of the benefits for accredited landlords under HALS is that the Private Housing (Environmental Health) team will not, on receipt of a service request, immediately carry out a full inspection of the dwelling. The team will refer the request directly to the accredited landlord so that they can respond in the first instance (unless the tenant requests that the Council visits). Only if the tenant is not satisfied with the landlord's response will the Council then visit the dwelling.

5. Purpose of inspections

5.1 The underlying purpose of inspection is to ensure that occupants and others affected by the property or its use are not at risk from hazards to their health and safety.

5.2 Inspections are to determine whether a statutory nuisance exists, whether any hazards exist as defined by the Housing Health and Safety Rating System (HHSRS), whether properties should be subject to licensing (or if licensing conditions are being breached) and in general to ensure properties comply with housing legislation.

6. Prosecution and formal caution

6.1 Prosecution is an enforcement power that will only be used in respect of serious breaches of law, or where the consequences could be very serious, or where the person or organisation obstructs or frustrates the Council in its lawful duties. Appendix 1 sets out in detail the circumstances and factors affecting when a prosecution is likely to be taken.

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6.2 Any decision taken to prosecute will have regard to the guidance contained in the Code for Crown Prosecutors.

6.3 The final decision to prosecute rests with the Council's senior legal officer following a recommendation by the councils authorised Housing Manager who will consider the policies and procedures before giving his/her authorisation to proceed with formal action.

6.4 Formal cautions will be used when the conditions for prosecution are fulfilled but a prosecution is not in the public interest, and the person admits the offence and is prepared to accept a formal caution. A typical example may be where there was an inadvertent breach, perhaps with serious consequences, but where adverse publicity would spoil an otherwise good track record by the person or company.

6.5 Measures under the Proceeds of Crime Act will be used where appropriate to retrieve monies gained unlawfully, both to help cover the costs of enforcement and to ensure a disincentive to ongoing breaches of housing legislation. Moreover, where justified, the City Council will seek to utilise the Proceeds of Crime Act where evidence suggests that the breach of housing legislation has given rise to significant financial gain.

7. Works in Default

7.1 When there is a failure to fully comply with the requirements of a statutory notice that requires works to be carried out then the Council will normally arrange for those works to be completed in the owner's default. The costs in carrying out the works will be recovered from the owner along with the cost of officers' time in arranging and overseeing the works.

8. Financial Penalty Orders

8.1 Section 126 of The Housing and Planning Act 2016 came in to effect in 2017. It introduced the option of issuing a financial penalty as an alternative to prosecution under the Housing Act 2004 for the following offences:

- Failure to comply with an Improvement Notice (section 30)
- Offences in relation to licensing of Houses in Multiple Occupation (section 72)
- Offences in relation to licensing of houses under Part 3 of the Act (section 95)
- Offences of contravention of an overcrowding notice (section 139)
- Failure to comply with management regulations in respect of Houses in Multiple Occupation (section 234)

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8.2 The maximum amount of financial penalty is £30,000. The amount of financial penalty is determined by the local authority. (see Civil Penalty Policy)

9. Charging for notices

9.1 A financial charge will be made for the service of all Housing Act notices and the making of Prohibition Orders other than hazard awareness notices. Charges are based on the full cost to the Council of taking the action including inspection, preparation and service of the notices. Any action to recover costs and expenses will be in accordance with the requirements of the relevant Acts.

9.2 Charges for licensing will also be made and the fee scales are available from the Private Housing Environmental Health team. Information can be accessed through the council's website at www.hullcc.gov.uk or by email to housing.standards@hullcc.gov.uk. (see Fee and Charges Policy)

10. Review

10.1 This policy will be reviewed during 2021- 2022 or when there are any significant changes in national legislation, local or national circumstances that would necessitate a review.

10.2 Any changes will be discussed with service users, other Council services and partner organisations.

Appendix 1 - Options for Enforcement

1. Powers and Action

1.1 Authorised officers can inspect and survey the entire premises, take samples and use equipment to take measurements and photographs where appropriate.

1.2 There are a number of actions officers may take and these will depend on the circumstances of the case:

- **Take no action** – Where premises are found to be satisfactory.
- **Take informal action** - Informal action will be taken in relation to accredited landlord properties or where insignificant Category 2 hazards are found and recommendations are being made.
- **Take formal enforcement action** – This action will normally be the first course of action following the inspection unless the property is accredited. Where an officer identifies an imminent risk of serious harm the officer will

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make every effort to contact the owner in order to give them the opportunity to remedy the situation within a short timescale.

1.3 There are a number of options. Factors which may affect the choice of enforcement action include:

- The statutory obligations of the Council.
- The seriousness of the offence or the degree of risk to health and safety.
- The record of the responsible person in relation to managing property or in the case of licensing whether the person is regarded as fit and proper.
- Public interest and concern.
- The views of occupiers and owners.
- Whether the landlord is accredited
- The likely effectiveness of various enforcement options.
- The views of other agencies such as the Fire Authority, the Police and Social Services.
- The frequency of any breach.
- Whether the property is subject to licensing.
- The consequences of non-compliance.

2. Informal Action

2.1 This may include:

- Offering advice.
- Making recommendations verbally or by letter.
- Making written requests for action. These will include a letter, schedule and pro-forma requesting timescales for the start and completion of any works. Discussing options with owners.
- Removing accreditation status.

2.2 The situations where informal action may be appropriate include:-

- Where landlords are accredited
- Where the local authority is making a recommendation.

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2.3 In any written communication it will be made explicit which actions or works may be required by law and which are recommendations of good practice. The legislation contravened or applicable to the issue will be referred to in the communication and will make it clear what action is required and why it is necessary. Details of hazard assessments will be sent on request.

2.4 The legislation contravened or applicable to the issue will be referred to in the communication and will make it clear what action is required and why it is necessary. Where informal action is not successful formal action will be taken.

3. Formal action

3.1 **In the case of hazards determined under the Housing Health and Safety Rating System (HHSRS)**

The Council have a statutory duty to act in the case of Category 1 hazards and a power to act in the case of Category 2 hazards. The Council will exercise its duty to deal with Category 2 hazards for those hazards that it considers to be significant. Whilst it is not possible to be prescriptive in describing all hazards which Hull City Council would deem to be significant, factors that may be considered to assist in the determination of which hazards are deemed to be significant include :-

- Whether there are multiple hazards within the property.
- Whether there is a vulnerable individual or group in occupation or likely to be in occupation.
- Whether or not it is reasonable to assume the conditions are likely to deteriorate in the next 12 months.

3.2 Where practicable landlords and/or agents will be given 24 hours' notice of the Council's intention to carry out an inspection of the property as per the requirements of section 239 Housing Act 2004. If the landlord/agent or representative wishes to attend the inspection they must also provide the tenant with the necessary notice. After the inspection, whilst onsite, the Council will discuss the findings of the inspection and the possible options to reduce or remove the hazards, if requested to do so by the landlord/agent or representative and it is practicable to do so. This is only available when the landlord/agent or representative attends the property for the inspection. The Council will score the hazards using the Housing, Health and Safety Rating System and serve any relevant notices as soon as is practicable. It should be noted, however, that any works discussed with the landlord/agent or their representative will be before the deficiencies have been scored using the Housing, Health and Safety Rating System and this could impact upon the assessment.

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3.3 Notice of entry under section 239 is unnecessary when investigating emergency works, possible breaches of licensing and breaches of management regulations.

3.4 The following options are available under the Housing Act 2004:-

- **Serve a Hazard Awareness Notice (HAN) under section 28/29.**
  This type of notice may be used for minor low scoring hazards.
  It may also be used to notify owners about more serious hazards.

- **Serve an Improvement Notice under section 11 or 12**
  This action will be the normal action taken in most cases where repair or improvement is the most appropriate course of action and there are category 1 hazards and significant category 2 hazards.
  Where action in relation to the fire hazard involves an HMO or the common parts of flats the council will consult with the Fire Authority.

- **Serve a Suspended Improvement Notice under section 14**
  Before suspending an improvement notice consideration will be given to all the circumstances including the tenants, landlords and owners views. Improvement notices will not normally be suspended unless there are other special circumstances.

- **Make a Prohibition Order under sections 20 and 21.**
  This action will be taken to prohibit the occupation of all or part of a building. This action will be taken when the cost of remedying the defect is excessive or it is not reasonably practicable without compromising the use of other parts of the building to carry out works. Prohibition orders will be used where the continued use of the building or part of the building would be likely to result in an injury or illness in the following 12 months or where such injury or illness is likely to be serious. This course of action may be taken when there is serious overcrowding.

- **Make a Suspended Prohibition Order under section 23**
  Where a person who is not particularly vulnerable to a hazard is in occupation the order may be suspended until such time as a vulnerable person occupies the property. However in most cases notices will not be suspended as the turnover of rented properties means that in many cases there could be a change in tenancy within 12 months. Where the order is in relation to overcrowding the notice may be suspended until the current occupation changes. *(See notes on overcrowding)*

- **Take Emergency Remedial Action under section 40**
  This action will only be taken where there is an imminent risk of serious harm. The Council will arrange for the hazard to be mitigated at the earliest opportunity. The officer will attempt to contact the owner first before taking such action but if they are unable to act immediately or cannot be contacted, action will be taken at the owners cost.

- **Make an Emergency Prohibition Order under section 43**

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Where there is an imminent risk of serious harm and it is not practicable or too costly to carry out urgent works this action may be taken which will have the effect of preventing the use of part or all of the premises. This is a serious step and careful consideration will be given to it because it requires immediate vacation of the property by the occupiers.

- **Making a Demolition Order under section 265 (Housing Act 1985 as amended by section 46 Housing Act 2004)**
  This action will be taken when it is considered to be the most appropriate course of action, usually when there are one or more serious category 1 hazards, the property is usually detached or there is a building line separating it from other properties, the adjacent properties will be stable and weatherproof or can readily be made so, it is in a potentially unsustainable area or it is causing severe problems to the amenity of the neighbourhood and repair would be very costly, it is not listed or of other historical interest.

- **Declaring a Clearance Area under section 289 (Housing Act 1985 as amended by section 47 Housing Act 2004)**
  This action will be considered where similar circumstances to those for determining if a demolition order exist but where it is necessary for the Council to acquire the land either for its own purposes or to sell on for either new build or other purposes favoured by the majority of persons affected. Area committee views will be relevant to any decision to declare a clearance area. This action will be followed by seeking a compulsory purchase order or voluntary acquisition.

3.5 In determining which of the above courses of action to take the council may consider:-

- The current occupiers, if any, and their views as to what should happen
- Likely regular visitors.
- The turnover of tenancies.
- The risk of excluding vulnerable groups of people from the private rented sector.
- The size type and location of the property.
- The sustainability of an area – if it has been identified for potential demolition within an Area Action Plan.
- The views of the owner(s).
- In the case of demolition or clearance the views of local residents, businesses and Councillors will also be considered.
- Suspended notices will be reviewed at least annually.

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- The Council will consider requests to vary or revoke an improvement notice or a prohibition order and in doing so will take into account the following factors but not exclusively.

- The views of the Fire Authority, where appropriate.

- The risk presented by the hazard and the potential effect of any variation.

- The level of confidence in the recipient to respond and their past history of compliance or otherwise.

- The progress made with any other work specified in the Notice or Order.

- The costs of any works in relation to the benefit to be derived from them.

- Any additional unforeseen works which become apparent during the course of remedial works.

- If the Council consider that there are special circumstances in relation to a Prohibition Order or an Improvement Notice it may revoke the order or notice.

3.6 If a property has been identified for potential demolition as part of an Area Action Plan. The following considerations will be made:

- That works required to reduce a hazard may be of a less extensive or temporary nature. The quality of work should not in itself present additional hazards or be likely to cause a failure which could cause harm to health. The visual quality of the work will be less important than the functional nature of the works.

- Occupiers should not be left with significant hazards which are likely to result in harm if they stay in the property for the likely remainder of the property's life.

- The length of time before the anticipated date of acquisition for demolition will be considered.

- The cost of works should not be excessive in relation to the length of time before the likely date of acquisition. Officers will discuss the alternative options such as leaving the property empty or carrying out temporary repairs before requiring work to be undertaken. An alternative when the cost will be excessive is to make a prohibition order.

- It is expected that significant hazards will continue to be addressed throughout a properties life but consideration will be had to the likelihood of harm occurring during the remainder of the properties life and the vulnerability of the occupiers.

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- Consideration will be given to pursuing voluntary acquisition or if the property is empty this will be pursued where the anticipated date of acquisition is within 12 months.

4. Other actions under the Housing Act 2004

4.1 Making Management Orders

4.1.1 There are a number of types of management orders which fall under the Housing Act 2004. Their use is prescribed in the Act. The result of a Management Order (MO) is that the Council will take over the management of the property either directly itself or through an agent such as a registered social landlord or an accredited landlord. Decisions regarding the making of a Management Order will be by officer authorisation. Where there is discretion to use a Management Order their use will be as a last resort when other options are unlikely to be effective.

4.1.2 Where a property is subject to licensing but there are no reasonable prospects of it being licensed in the near future or a management order is necessary to protect the health, safety and welfare of persons affected by the condition the Council must make a Management Order. A threat to evict persons occupying a house to avoid licensing may be regarded as a threat to the welfare of those persons. There are other prescribed circumstances which require the Council to make a MO.

4.1.3 The Council may apply to a residential property tribunal for a MO for an HMO not subject to licensing where it is considered necessary to protect the health, safety and welfare of persons affected by the condition.

4.1.4 The Council may apply to a First Tier Tribunal for a Special Management Order where an area is affected by anti-social behaviour that is partly or wholly the result of actions by the occupiers or visitors to the property and the landlord has failed to take action that it would be appropriate for him to take to reduce the problem.

4.1.5 In a similar way the Council may apply to a residential property tribunal for an Empty Dwelling Management Order in respect of a vacant property.

4.2 Enforcement of overcrowding provisions

4.2.1 In dealing with overcrowding the Council may use the provisions of Part 1 of the Act in relation to the hazard of crowding and space. In the case of HMOs there is an option to use either the HHSRS provisions or licence conditions or in the case of HMOs which are not required to be licensed overcrowding notices as described in sections 139 and 140 of the Housing Act 2004. Actions in relation to overcrowding will reflect the levels of overcrowding across all tenures in the City and the availability of

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suitable alternative accommodation. Actions will try to avoid the need for residents to be accommodated in bed and breakfast accommodation but where there is serious overcrowding action will be taken to protect the health and safety of residents.

4.3 Management Regulations

4.3.1 These regulations impose duties on managers in relation to HMOs. There is no notice procedure to enforce these regulations and it is an offence to contravene these regulations. In most circumstances the Council will, following an inspection send an informal schedule to the manager detailing any contraventions with a timescale for completion. If the contraventions are not dealt with effectively the Council will consider prosecution.

4.4 Licensing

4.4.1 Issuing, refusing, revoking or varying a licence for an HMO or for any dwelling subject to selective licensing.

4.4.2 Decisions in relation to licensing applications will be based on the information supplied with the application, the known past record of the proposed licence holder and manager, and any further information gathered from enquiries made to check the validity of the information submitted with the application.

4.4.3 In most cases licences will be granted with standard conditions together with a schedule of any works required to ensure the property meets the minimum standards adopted by the Council. Where the Council has concerns about the ability of a licence holder or manager to discharge their duties under licensing further enquiries may be made. Licences will normally be issued for a 5 year period. The applicant is required to pay a licensing fee as determined by the Council. This is non-refundable should the applicant sell the property subject to licensing within the 5 year period. Where the Council has concerns about the ability of a manager or licence holder to effectively manage the property they may issue a licence for a shorter period and then renew if the property remains well managed. Licences may be revoked if the licence scheme is terminated or the licence holder informs the Council that the property is no longer licensable. In some cases licences will be refused if the Council consider that the applicant is not able to effectively manage the property or if there is little prospect of the property being brought up to a reasonable standard. In such cases an Interim Management Order will be made.

4.4.4 Applicants have the right of appeal to the First Tier Tribunal against any refusal to grant a licence.

4.4.5 Any decision to revoke a licence will be based on all relevant matters which were taken into account in granting the licence in the first place and any changes that have occurred since the licence was granted.

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4.4.6 The Private Housing Environmental Health Team enforce the statutory requirements relating to mandatory HMO licensing.

5. Environmental Protection Act 1990

5.1 Where conditions are prejudicial to health or causing a nuisance, a notice under section 80 will be served. This action will be taken where defects or conditions in one property affect another property or the general public. Where conditions are prejudicial to health of either the occupiers or others affected by the conditions of residential premises this power may be used in preference to the Housing Act 2004. This is a statutory duty. Typical situations where this legislation is likely to be used are where there is not an imminent risk of serious harm but where a 28 day delay is considered too long (such as boiler breakdowns or nuisance to neighbouring properties).

6. Other statutory provisions

6.1 There are a number of other statutes which give powers to local housing authorities for a range of different issues and these will be used where appropriate.

7. Prosecution and formal caution

7.1 Prosecution is an enforcement power that will only be used in respect of serious breaches of law, or where the consequences are very serious, or where the person or organisation obstructs or frustrates the Council in its lawful duties.

7.2 The circumstances where a prosecution may be taken include:

- Failure to licence a property when the person required to apply for a licence is aware or should have been aware of the requirements to licence.
- Where there is wilful failure to comply with statutory notices or orders.
- Where financial benefit is gained by those breaking the law.
- Where there is a serious disregard for the health and safety of person affected.
- Where there are repeated breaches of legal requirements in a particular premise or in a number of premises owned or managed by the same person or organisation.
- There has been a serious incident resulting from a legal contravention.

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- Where there is a risk of serious harm to the public resulting from a legal contravention.

- Where it is in the public interest to test the interpretation of a particular piece of legislation.

- Where officers have been intentionally obstructed in the lawful course of their duties.

- Where officers are assaulted the Council will seek prosecution of offenders.

- Where false information has been supplied, or where there has been an intention to deceive.

- Exceptionally where, having considered all the circumstances it is considered reasonable to do so because there are other particular circumstances not covered by any of the above.

7.3 Any decision taken to prosecute will have regard to the guidance contained in the Code for Crown Prosecutors.

7.4 The factors affecting when a prosecution will be carried out are:-

- The seriousness of the alleged offence.

- The history of the business or individual.

- The willingness of the business or individual to prevent a recurrence of the problem and co-operate with officers.

- Whether it is in the public interest to prosecute.

- The likelihood of the prosecution succeeding.

- Whether any other action (including a formal caution) would be more appropriate or effective.

These factors are not listed in any order of priority or significance and their rating will vary with each situation under consideration. However, in all cases the Council will consider whether it is in the public interest to prosecute and the likelihood of securing a conviction if a prosecution was to take place.

7.5 The final decision to prosecute rests with the Council's senior legal officer following a recommendation by the councils authorised Housing Manager who will consider the policies and procedures before giving his/her authorisation to proceed with formal.

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7.6 Formal cautions will be used when the conditions for prosecution are fulfilled but a prosecution is not in the public interest, and the person admits the offence and is prepared to accept a formal caution. A typical example may be where there was an inadvertent breach, perhaps with serious consequences, but where adverse publicity would spoil an otherwise good track record by the person or company.

8. Works in Default

8.1 When there is a failure to fully comply with the requirements of a statutory notice that requires works to be carried out then the Council will normally arrange for those works to be completed in the owner's default. The costs in carrying out the works will be recovered from the owner.

9. Financial Penalty Orders

9.1 The Housing and Planning Act 2016 introduced new measures for local authorities to use as an alternative to prosecution. One of these measures is civil penalty orders. The civil penalty orders can be issued when the following statutory notices issued under the provisions of the Housing Act 2004 have not been complied with.

- Section 30 – Failure to comply with an improvement notice
- Section 72 – Mandatory licensing of Houses in Multiple Occupation (HMOs)
- Section 95 - Licensing under Part 3 of the Housing Act 2004 (selective licensing)
- Section 139 – Failure to comply with an overcrowding notice
- Section 234 – Breach of Management Regulations in respect of HMOs

9.2 Civil penalties can only be used if the same burden of proof has been reached that would be necessary to pursue a prosecution for any of the offences listed above.

9.3 The maximum financial penalty is £30,000 per offence. In determining the level of any penalty the council will have regard to local circumstances, the enforcement policy and the relevant Government guidance detailing the factors to take into account, as shown above. (see Civil Penalty Policy)

9.4 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 also allows local authorities to serve penalty charges for noncompliance with notices served under these regulations. These penalty charges are not as an alternative to prosecution and also include the cost of any works carried out in default of the owner. The charge structure is described in Statement of Principles. (see Statement of Principles)

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10 Additional Enforcement Powers

10.1 Additional enforcement powers have been made available to local authorities in the Housing & Planning Act 2016 including banning orders and a 'rogue' landlord database.

10.2 The 'rogue' landlord data base is expected to be accessible to local authorities and possibly the Fire Authority and have offences recorded for up to 10 years.

10.3 Banning orders are also going to be available to local authorities once all of the necessary consultation has been completed.

10.4 Rent Repayment Orders were first introduced in the Housing Act 2004 when a landlord failed to apply for a Mandatory HMO License. The use of rent repayment order has now been expanded under the Housing and Planning Act 2016 to include the following circumstances;

- 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 (once if force)
- Using violence to secure entry to a property under section 6n 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

10.5 Any rent recovered cannot be more than the amount paid in a 12 month period. The local authority can only recover rents paid by Housing Benefit or Universal Credit. Any rent paid by the tenant is recoverable by the tenant.

10.6 There is no requirement for a local authority to have prosecuted a landlord before applying for a rent repayment order. However the local authority must consider the following:

- **Punishment of the offender**. Rent repayment orders should have a real economic impact on the offender and demonstrate the consequences of not complying with their responsibilities. Factors that a local housing authority may wish to consider include the conduct of the landlord and

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tenant, the financial circumstances of the landlord and whether the landlord has previously been convicted of similar offences;

- **Deter the offender from repeating the offence**. The level of the penalty should be set at a high enough level such that it is likely to deter the offender from repeating the offence;

- **Dissuade others from committing similar offences**. Rent repayment orders are imposed by the First-tier Tribunal and so the fact someone has received a rent repayment order will be in the public domain. Robust and proportionate use of rent repayment orders is likely to help ensure others comply with their responsibilities.

- **Remove any financial benefit the offender may have obtained as a result of committing the offence**. This is an important element of rent repayment orders: the landlord is forced to repay rent, and thereby loses much, if not all, of the benefit that accrued to them by not complying with their responsibilities.

10.7 Applying for a Rent Repayment Order does not prevent a civil penalty order being pursued for the same offence.

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