Rhentu Doeth Cymru
Rent Smart Wales

Sarah Rivers

Rheolwr Gwasanaeth/Group Leader

Compliance and Regulation Team

13th March 2019

Rhentu Doeth Cymru / Rent Smart Wales

- Deddf Tai (Cymru) 2014
- Ystadegau
- Rheoleiddio Trwyddedwyr
- Achosion Tribiwnlys Eiddo Preswyl
- Housing (Wales) Act 2014
- Statistics
- Regulating Licensees
- Residential Property Tribunal Cases

Deddf Tai (Cymru) 2014 Rhan 1
Housing (Wales) Act Part 1

- Cyflwynodd y Ddeddf ofyniad cyfreithiol i bob landlord gofrestru eu hunain a'u heiddo rhent hefyd.
- Mae'n rhaid i landlordiaid ac asiantau a weithredir ar eu rhan, sy'n gosod neu sy'n rheoli eiddo rhent gael trwydded.
- Trwyddedu ar sail hyfforddiant (dim archwiliad)
- Perthnasol i denantiaethau sicr, byrddaliadau sicr a thenantiaethau rheoledig.
- Caiff Landlordiaid Cymdeithasol Preswyl eu heithrio rhag gorfod cofrestru; fodd bynnag os yw Landlord Cymdeithasol Cofrestredig yn gwneud gwaith gosod a rheoli ar ran landlord yn y sector rhentu preifat, mae'n rhaid iddo ddal trwydded.

- Act introduced a legal requirement for all landlords to register themselves and their rental addresses
- Landlords and agents who act on their behalf who let and/or manage rental properties must become licensed
- Licensing based on training (no inspection)
- Applicable to Assured, Assured Shorthold and Regulated tenancies
- Exempts Residential Social Landlords from registration; however if RSL does letting and management work on behalf of a PRS landlord they must be licensed.

Sut y caiff ei gweinyddu?
How is it administered?

- Mae Gweinidogion Cymru wedi nodi mai Cyngor Caerdydd yw Awdurdod Trwyddedu Cymru.
- Mae Caerdydd yn cynnal y gofrestr ac yn gweinyddu ac yn caniatáu cofrestriadau a thrwyddedau.
- Un cais sydd angen i landlordiaid ac asiantau ei wneud ar gyfer y wlad gyfan.

- The Welsh Ministers have designated Cardiff Council as the licensing authority for Wales
- Cardiff maintains the register and administers and grants registrations and licences
- Landlords and agents have one application to cover them for whole country.

rhentudoeth.llyw.cymru
rentsmart.gov.wales
03000 133344

Cofrestriad
Registration

Mae'n rhaid i landlordiaid wneud y canlynol:

- Rhoi gwybodaeth am ohebiaeth
- Rhoi cyfeiriadau'r holl eiddo rhent
- Talu ffi
- Nodi pwy sy'n gosod a rheoli pob eiddo

Landlord Must:

- Provide correspondence info
- Give address of all rental property
- Pay a fee
- Identify who does letting and management at each property

Proses arlein (gan gynnwys taliad ffi)

On – line process (including fee payment)

Syml, cyflym a awtomataidd

Simple, quick and automated

Nid yw'r cofrestr yn gyhoeddus; ond gall tenantiaid gwirio landlord

Register is not public; but tenants can verify landlords

Trwyddedu
Licensing

Os mae landlord neu asiant yn cyflawni gweithgareddau gosod a/neu reoli ble mae'r Ddeddf Tai Cymru 2014 yn gofyn am drwydded.

Mae rhaid iddynt wneud cais am drwydded.

If a landlord or agent is completing letting and/or management activities for which they require a licence as specified under the Housing (Wales) Act 2014

They must apply for a licence.

Cais Ar-lein neu ar bapur

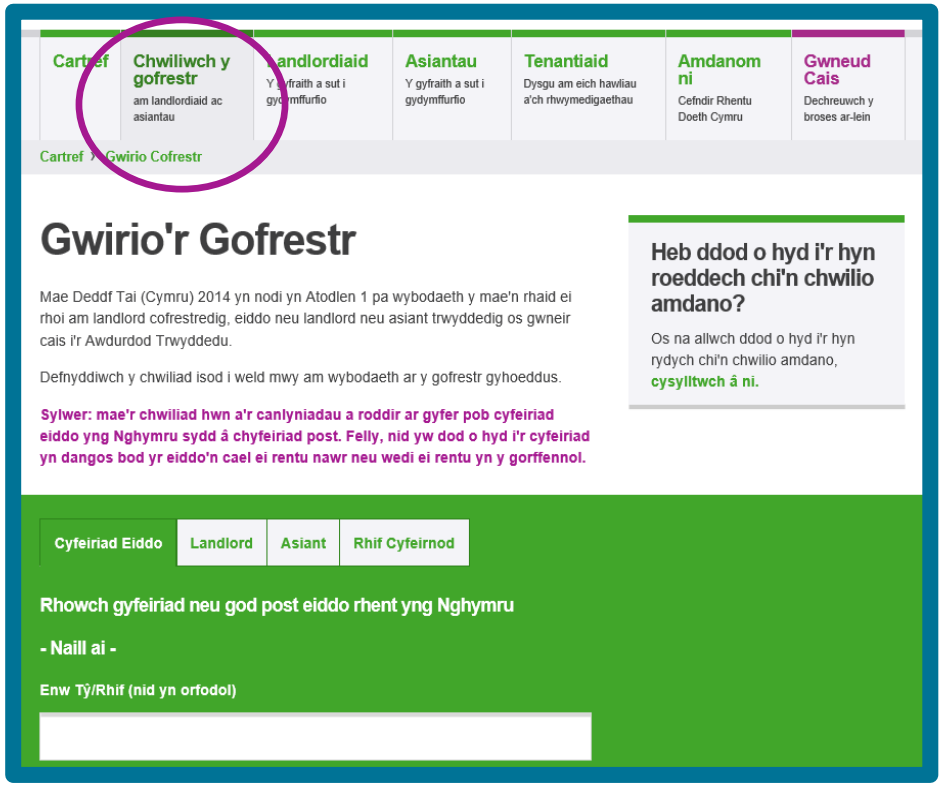
Online or Paper Application

Talu am y drwydded Cwblau'r Hyfforddiant

Pay Correct Licence Fee
Complete Approved Training

Pasio'r dilysu gwiriadau yn cynnwys prawf Addas a Phriodoldeb

Pass Validation Checks including Fitness and Propriety test



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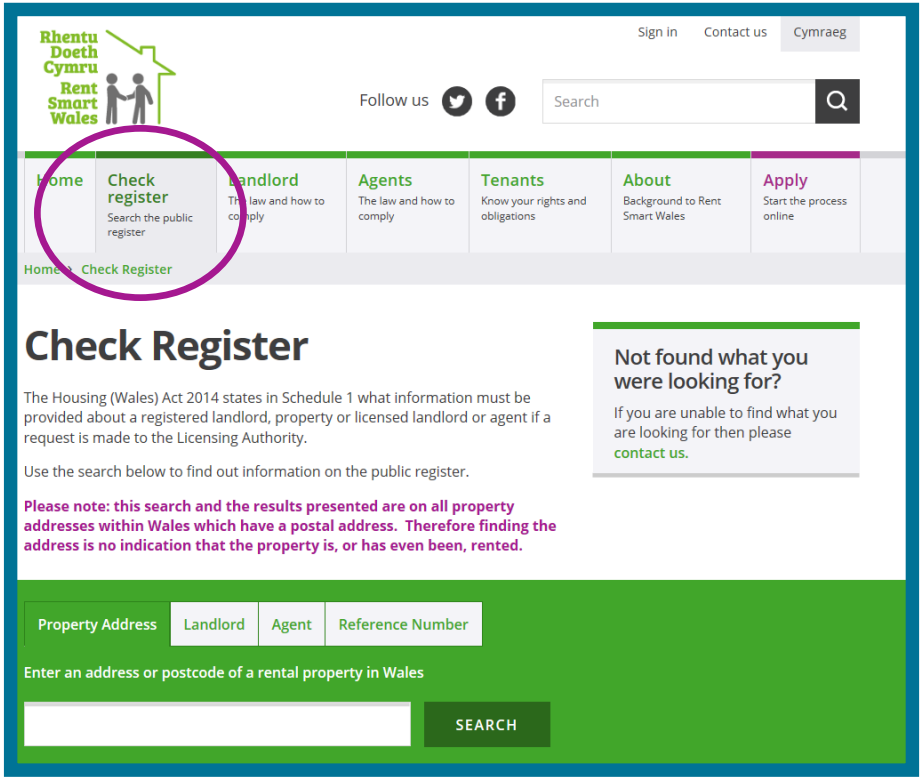


Ystadegau’r Mis
Monthly Statistics

Cyhoeddir yn fisol ar ein gwefan ac mae ar daflen Ffioedd a Chanllawiau dan 'Tudalennau Poblogaidd’.

Published monthly on our website and can be found on the Leaflets Fees and Guides under Popular Pages.

Ystadegau’r Mis Monthly Statistics

Ar As of 31/01/19

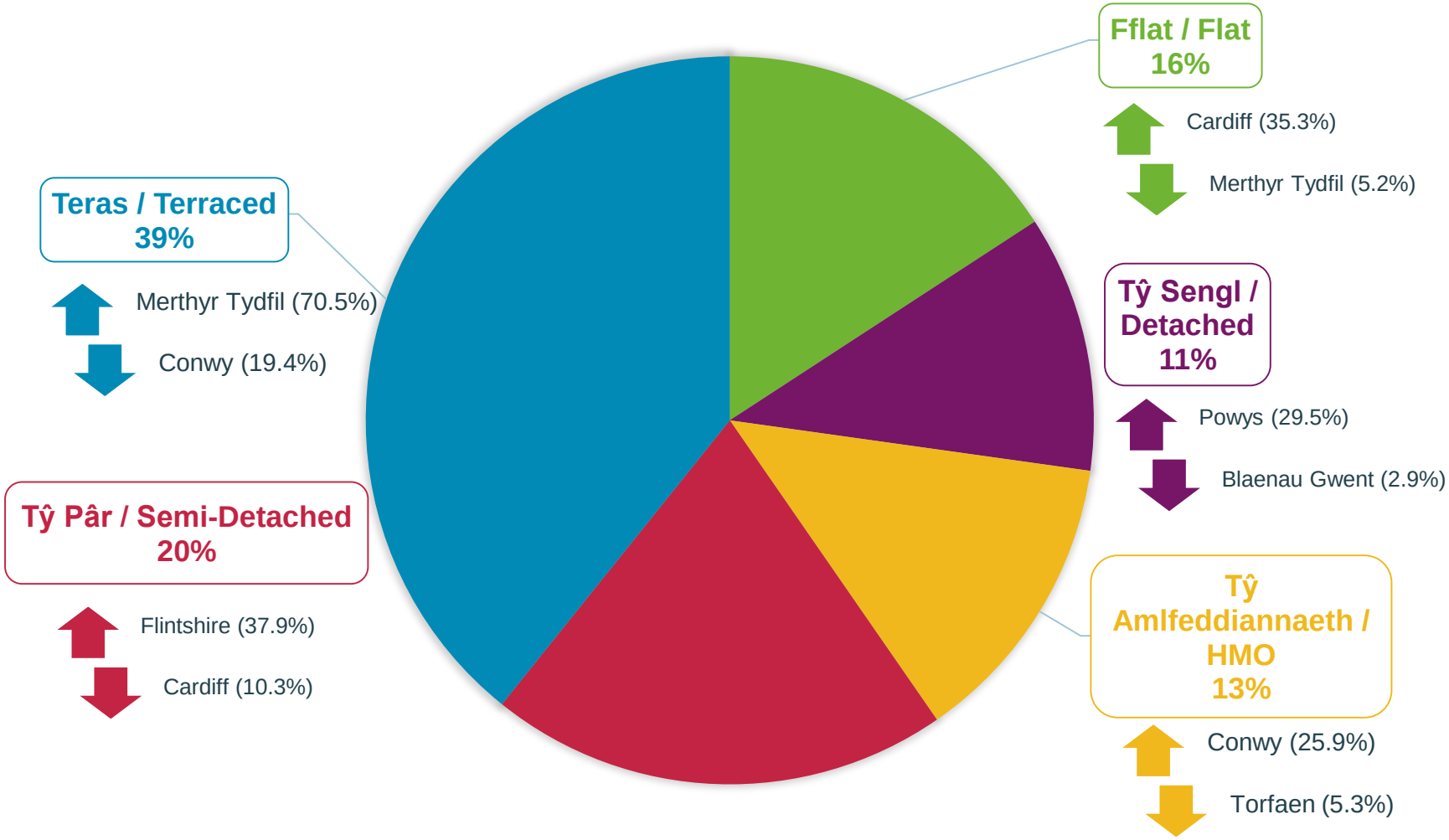
Rhentu Doeth Cymru
Rent Smart Wales

Landlordiaid wedi’u Cofrestru Landlords Registered **95,646**	**Cofrestriadau Anghyflawn** Incomplete Registrations **969**
Landlordiaid Trwyddedig Landlords Licensed **35,034**	**Trwyddedau Landlordiaid wrthi’n cael eu hasesu** Landlord Licences being assessed **272**
Asiantau Trwyddedig Agents Licensed **3,989**	**Trwyddedau Asiantau wrthi’n cael eu hasesu** Agent Licences being assessed **24**
Cyfrifon Defnyddiwr a Grëwyd User Accounts created **123,025**	**Eiddo wedi’u cofrestru** Properties registered **197,523**

** Nodwch fod y ffigyrau yma wedi ei diweddaru i eithrio landlordiaid/asiantau sydd wedi eu cofrestru ond heb gynnwys eu portffolio eiddo (a gynhwyswyd mewn ffigyrau cyhoeddedig blaenorol)*

** Please note - these figures have been updated to discount registered landlords/agents that have not uploaded a property portfolio (previously included in published figures)*

Eiddo Rhent Cofrestredig yng Nghymru
Registered Rental Properties in Wales



Mathau o Landlord
Types of Landlord

Math / Type	Eiddo Cyffredin / Average Properties
Elusen / Charity	6.05
Corff Corfforaethol / Corporate Body	7.63
Unigol/Ar y cyd / Individual/Joint	1.85
Ymddiriedolaeth / Trust	3.99
Pob Landlord / All Landlords	**2.04**

Mathau o Asiant
Types of Agent

Math / Type	Eiddo Cyffredin / Average Properties
Elusen / Charity	32.2
Corff Corfforaethol / Corporate Body	137.3
Unigol / Individual	11.1
Ymddiriedolaeth / Trust	96.8
Landlordiaid Cymdeithasol Cofrestredig / Registered Social Landlords	48.1
Pob Asiant / All Agents	**39.9**

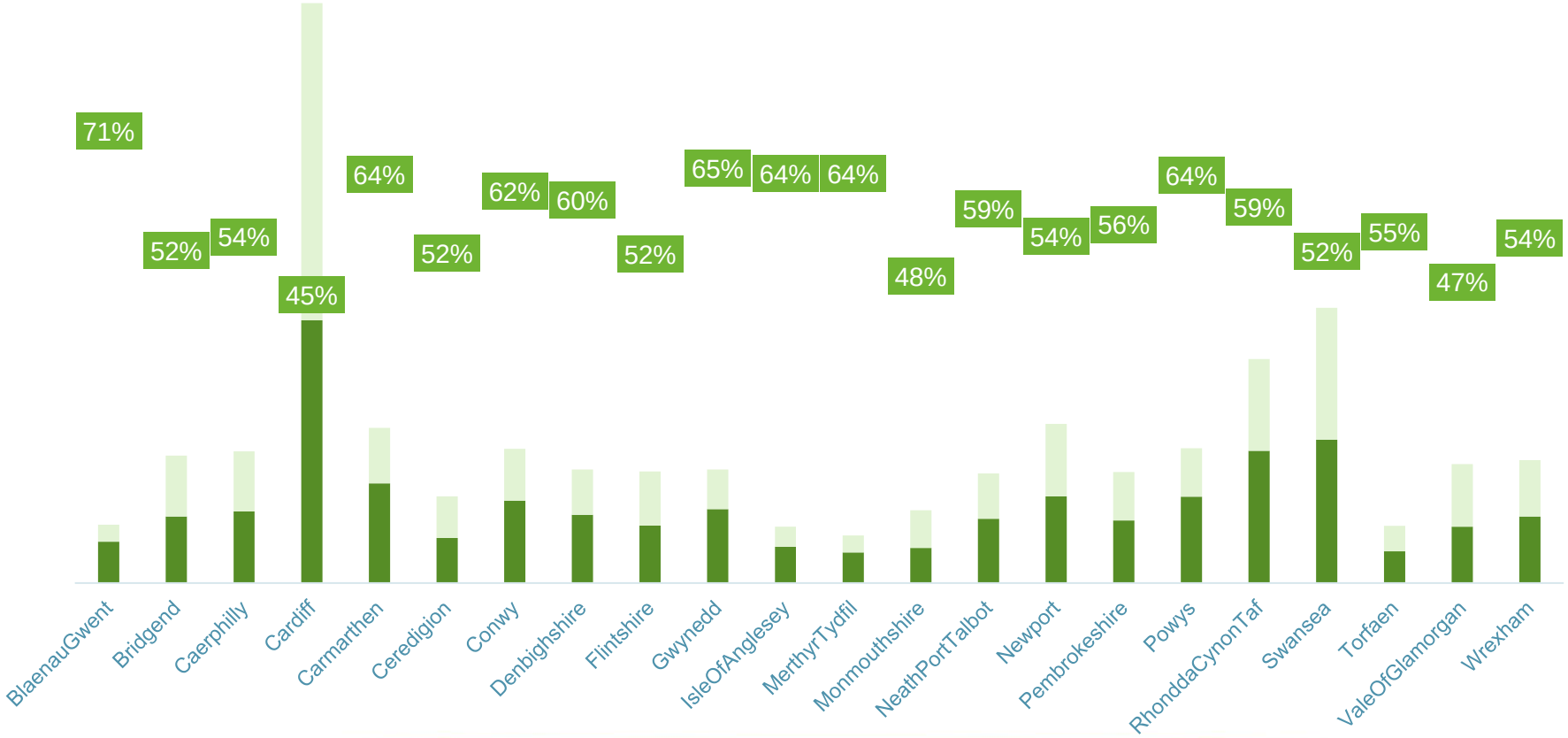
Asiantau Masnachol
Commercial Agents

- Gellir dosbarthu Cyrff Corfforaethol ac Asiantau Unigol yn rhai 'Masnachol'
- Mae gan Asiantau Masnachol **97** eiddo ar gyfartaledd yn eu portffolio
- Mae Asiantau Anfasnachol yn gosod/rheoli **4** eiddo ar gyfartaledd
- Mae Asiantau Cyrff Corfforaethol yn rhestru **6.3** o gyflogeion ar gyfartaledd, sef cymhareb o **15.4 eiddo fesul cyflogai**

- Both Corporate Bodies and Individual Agents can be classed as ‘Commercial’
- Commercial Agents have an average of **97** properties in their portfolio
- Non-commercial Agents let/manage an average of **4** properties
- Corporate Body Agents list an average of **6.3** employees, a ratio of **15.4 properties per employee**

Landlord neu Asiant?
Landlord or Agent?

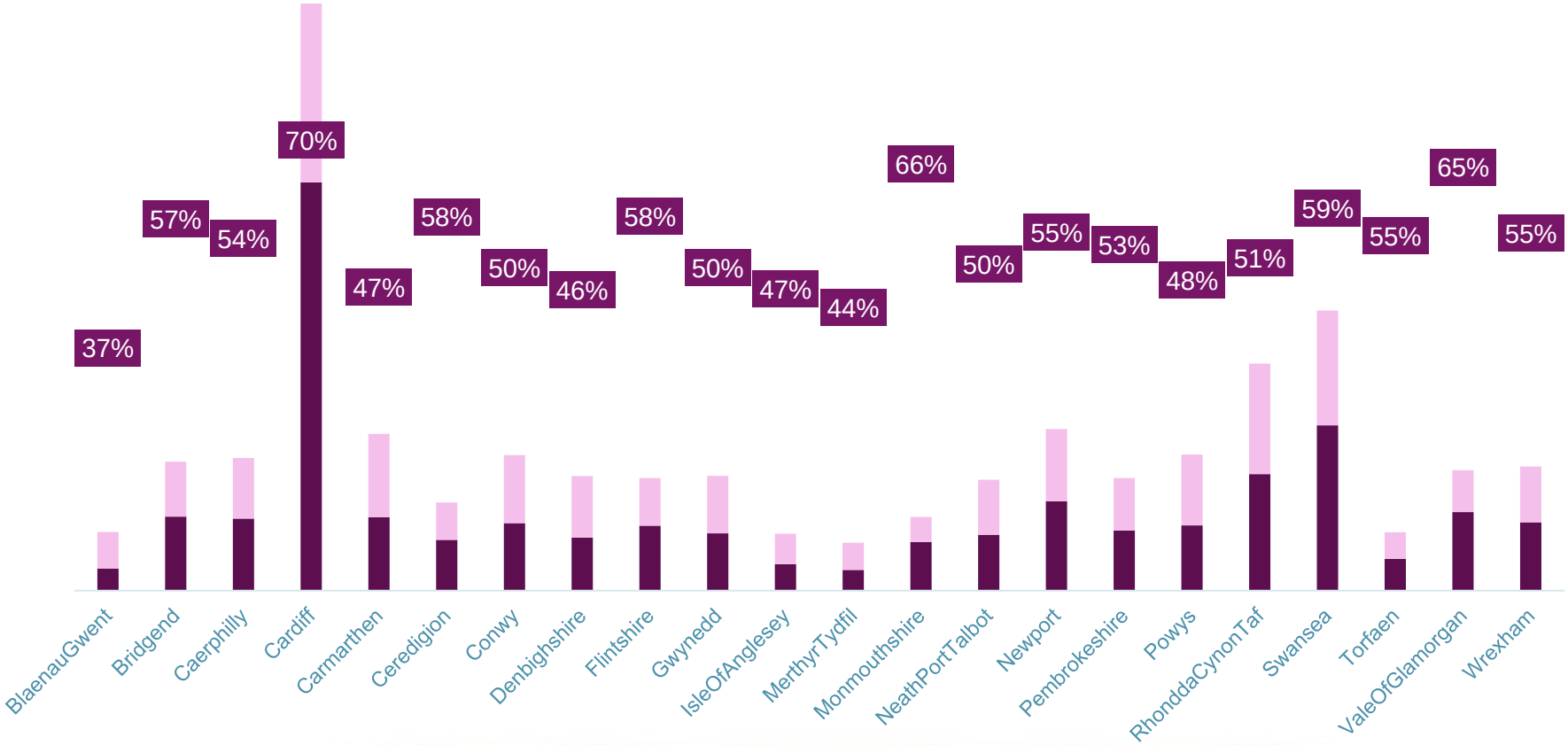
Eiddo Trwyddedig gyda Thrwydded Landlord
Licensed Properties with a Landlord Licence



55% **o eiddo wedi'u cysylltu â thrwydded Landlord**
of properties are connected to a Landlord licence

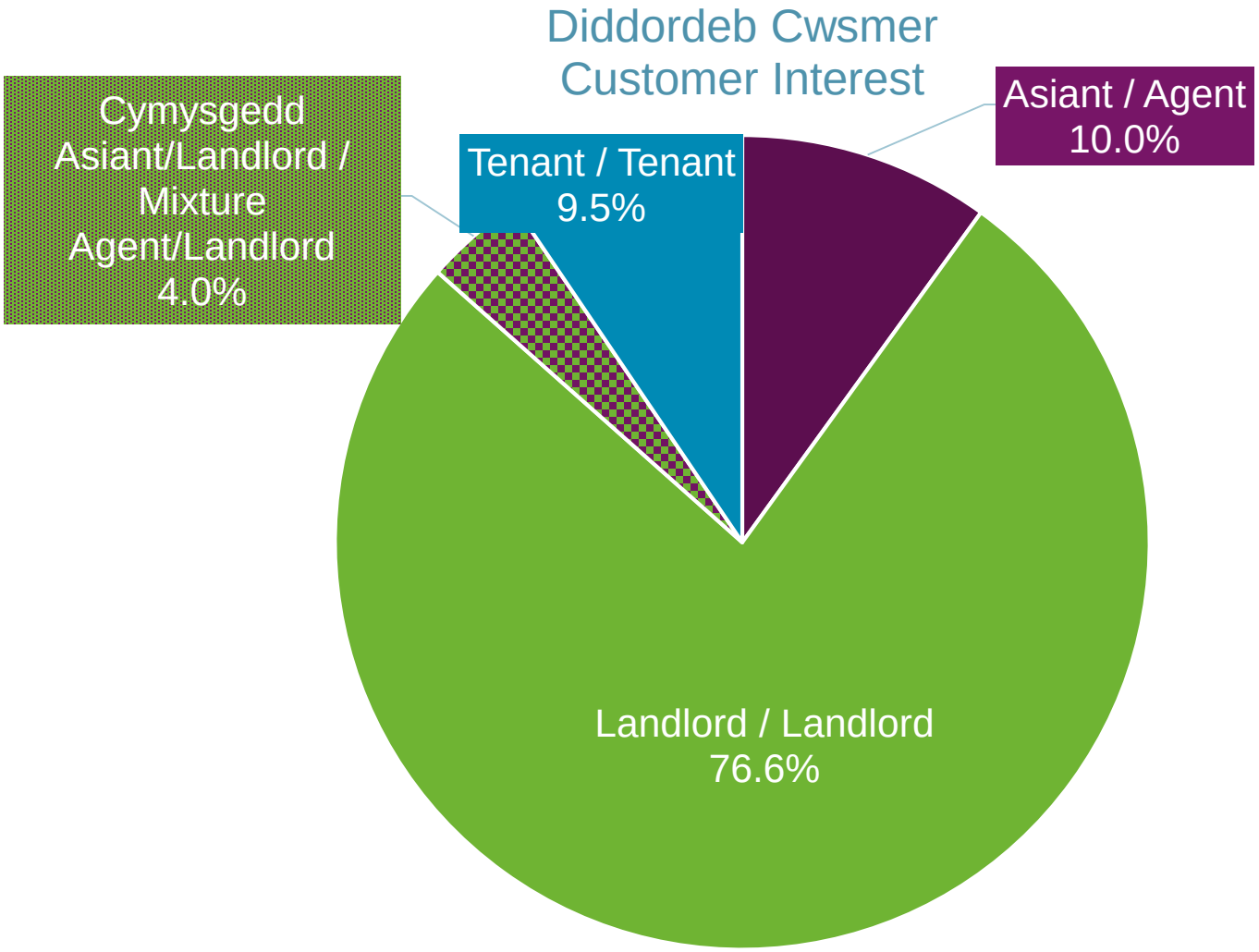
Landlord neu Asiant?
Landlord or Agent?

Eiddo Trwyddedig gyda Thrwydded Asiant Licensed
Properties with an Agent Licence



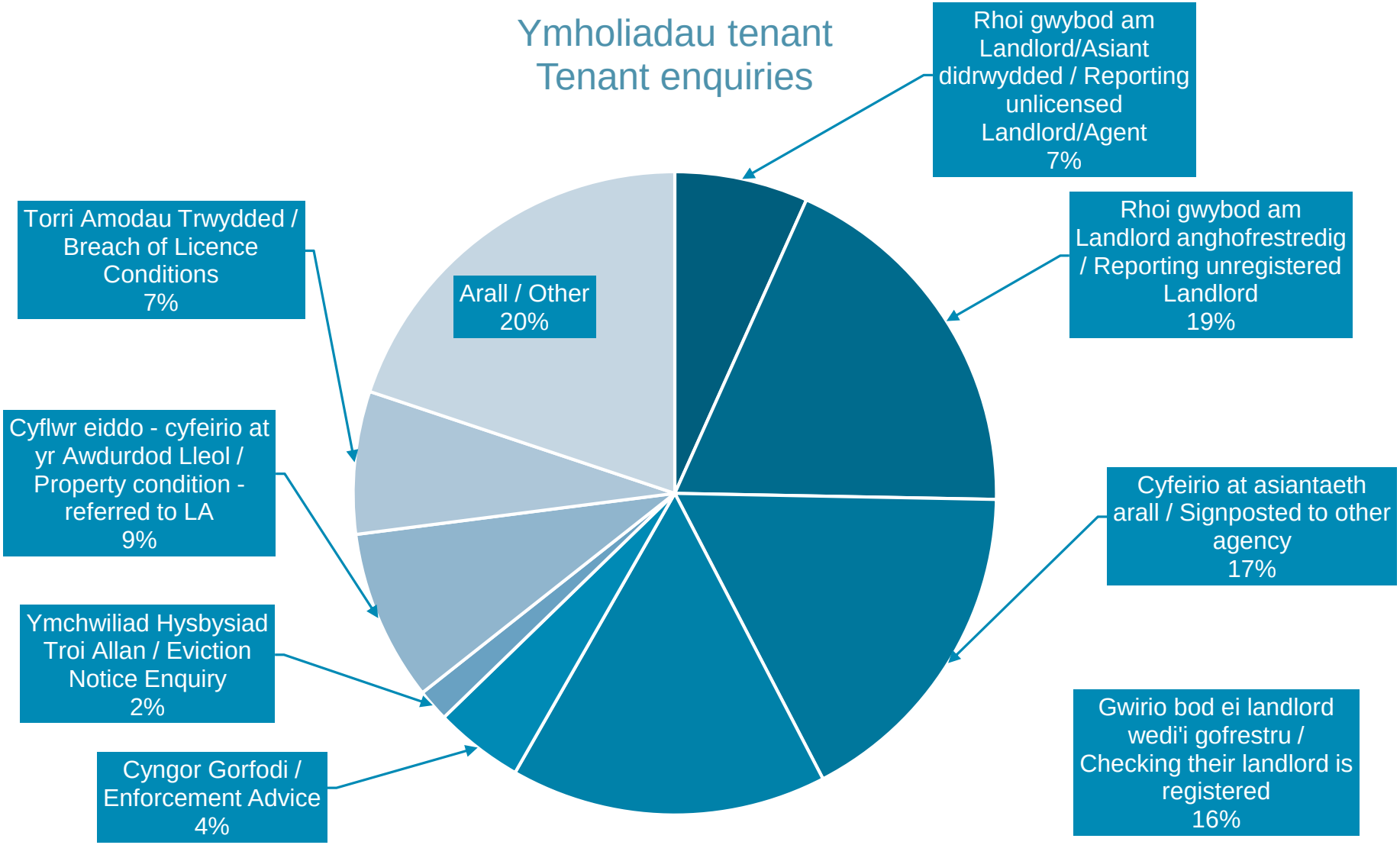
56% **o eiddo wedi'u cysylltu â thrwydded Asiant**
of properties are connected to a Agent licence

Yr hyn y mae pobl yn cysylltu â ni amdano
What people contact us about



Yr hyn y mae pobl yn cysylltu â ni amdano
What people contact us about

Ymholiadau tenant
Tenant enquiries



Rheoleiddio Trwyddedwyr
Regulating Licensees

- Amodau trwydded
  - Côd ymarfer
  - Pellter hiraf
  - Amodau Pwrpasol
- Ymchwilio achosion o dorri amodau trwydded
- Adolygu amodau trwydded amser penodol
- Archwiliadau Asiant
- Gwiriadau addas a phriodol

- Licence conditions
  - Code of Practice
  - Maximum distance
  - Bespoke conditions
- Investigate breaches of licence conditions
- Review time specific licence conditions
- Agent Audits
- Fit and Proper checks

Côd Ymarfer- Pwrpas
Code of Practice - Purpose

Côd Ymarfer wedi'i baratoi gan Lywodraeth Cymru (Hydref 2015) er mwyn helpu landlordiaid ac asiantau sydd wedi'u trwyddedu drwy gynllun **Rhentu Doeth Cymru.**

Developed by the Welsh Government (October 2015) to help landlords and agents licensed through the **Rent Smart Wales** scheme.

Cydymffurfiad i **Ran 1 Deddf Tai (Cymru) 2014** – i wella arferion yn y sector rhentu preifat

Compliance to **Part 1 of the Housing (Wales) Act 2014** – to improve practices in the private rented sector

Rhaid i bob landlord ac asiantau sydd â thrwydded dan gynllun Rhentu Doeth Cymru **lynu** wrth Ofynion y **Côd Ymarfer**

Amod Trwydded

All landlords and agents who hold a licence under the Rent Smart Wales scheme ***must abide*** by the Requirements of the **Code of Practice**

Licence Condition

2 elfen:

Gofynion er mwyn cydymffurfio â'r gyfraith

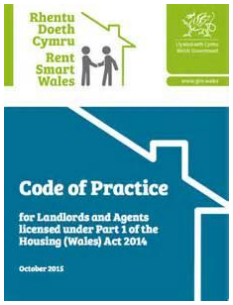
Arfer Orau i godi safonau uwchlaw'r lefel sy'n ofynol gan y gyfraith

2 elements:

Requirements in order to comply with the law

Best Practice to raise standards above the minimum level required by law

Adrannau
Sections



- **Cyn gosod eiddo**
  - Penodi asiant
  - Marchnata a hysbysebu
- **Sefydlu tenantiaeth**
  - Tystlythyrau a gwiriadau
  - Cytuno ar denantiaeth
  - Cytundeb tenantiaeth
  - Dogfennau ategol
  - Blaendal

- **Before letting a property**
  - Appointing an agent
  - Marketing and advertising
- **Setting up a tenancy**
  - References and checks
  - Agreeing the tenancy
  - Tenancy agreement
  - Supplementary documentation
  - Deposits

Adrannau
Sections

- **Yn ystod y denantiaeth**
  - Dechrau’r denantiaeth
  - Casglu rhent
  - Manylion cyswllt
  - Cael mynediad i’r eiddo
  - Cyflwr yr eiddo

- **During the tenancy**
  - Starting the tenancy
  - Collecting rent
  - Contact details
  - Access to the property
  - Property conditions

- **Dod â thenantiaeth i ben**
  - Dilyn gweithdrefnau
  - Ad-dalu blaendal

- **Ending a tenancy**
  - Following procedures
  - Deposit repayment

Amodau Trwydded
Licence conditions

- 5 mlynedd cyfnod o drwydded
- Amodau Trwydded safonol wedi' gosod ar holl drwyddedu - gwelir y wefan
- Allan o Gymru, Lloegr a'r Alban neu 200 neu fwy o filltiroedd o'r eiddo Rhentu
- Amodau trwydded safonol- gallu darparu tystysgrifau diogelwch nwy, adroddiadau electronig, arddangos cyfrifoldebau cyfreithiol

- 5 year term of licence
- Standard Licence Conditions applied to all licences – see website
- Outside of Wales, England and Scotland or 200 or more miles from the rental property
- Bespoke Licence Conditions – provide gas safety certificates, electrical reports, highlighting legal responsibilities

Toriad o Amodau Trwydded/ Gwirio Amodau Trwydded Amser Penodol
Breach of Licence Conditions/ Timed Conditions Checks

- Ble mae honiad o torriad amodau trwydded wedi'gwneud
- Trwyddedwr yn cal ei ymchwilio
- Cyfrir yn cal ei arolygu i benderfynu os mae unrhyw torriadau
- Canlyniadau
  - E-bost yn hysbysu'r trwyddedwr yn ei atgoffa am yr amodau trwydded a'i gyrru at yr amodau trwydded a'r gwybodaeth ar y wefân
  - Esgoli'r archwiliad asiant
  - Dirymiad
- Gwirio amodau trwydded amser penodol
- Cyfrif yn cael ei wirio
- Diffyg cydymffurfio- yr run canlyniadau

- Where breach of licence condition allegation made
- Licensee investigated
- Account checked to determine any breaches
- Outcomes
  - Notification email, reminding of licence conditions and signposting to code of practice and resources on website
  - Escalated agent audit
  - Revocation
- Time specific licence conditions check
- Account checked
- Non compliance – same outcomes

Archwiliad Asiant
Agent Audit

- Mae asiantau masnachol yn cael ei archwilio o leiaf unwaith mewn y cyfnod trwydded sef 5 mlynedd.
- Mae'r archwiliad yn gofyn i'r asiant i:

  -Gwblhau holiadur cyn-archwiliad

  - Dangos tystiolaeth mewn ffurf o 20 o ddogfennau ddangos cydymffurfiad efo'r Côd Ymarfer yn cynnwys:
- Diogelu Arian Cleientiaid
- Yswiriant Indemniad Proffesiynol
- aelodaeth ddilys o Gynllun Gwneud Iawn a gymeradwyir gan y llywodraeth
- Cytundeb tenantiaeth a telerau y busnes.
- Tenantiaeth diogelu cynllun blaendal
- Rhestr o ffioedd- cleient/tenant

- Dangos tystysgrifiadau

- All commercial agents audited at least once in 5 year term of licence
- Audit requires agent to:
  - Complete a pre-audit questionnaire
  - Provide evidence in the form of 20 documents to show compliance with the code of practice, including:
    - Client Money Protection
    - Professional Indemnity Insurance
    - Membership of a redress scheme
    - Tenancy agreement and Terms of business
    - Tenancy deposit scheme protection
    - List of fees – client/tenant
  - Provide certificates

Ymchwiliadau Addas a Phriodol
Fit and Proper Investigations

- Ceisiadau a Trwyddedwyr
- Mae 170 o landlordiaid ac asiantau wedi datgan euogfarn
- 867 o geisiadau yn amodol ar ymchwiliad addas a phriodol
- 27 o drwyddedau wedi'u gwrthod yn dilyn ymchwiliad.
- 5 Trwyddedu wedi' cael ei diddymu
- Mae ymchwiliadau yn cael eu gwneud gan ymgynghoriad efo'r awdurdodau lleol.

Applications and Licensees

- 170 landlords and agents have declared a conviction
- 867 applications/Licensees have been subject to a fit and proper investigation
- 27 licences refused
- 5 licences have been revoked
- Investigations are carried out in consultation with the Local Authorities

Tribiwnlys Eiddo Preswyl/ Residential Property Tribunal

Apeliadau

6 apêl yn erbyn amodau trwyddedu

- 3 wedi' dynnu' yn ôl
- 1 Tribiwnlys eiddo preswyl yn diddymu'r apêl
- 2 achos yn aros penderfyniad

13 Apêl yn erbyn penderfyniadau addas a phriodol yn arwain at:

- 4 wedi' dynnu' yn ôl
- 5 Tribiwnlys eiddo preswyl yn cyd-fynd efo penderfyniad Rhentu Doeth Cymru
- 3 Tribiwnlys eiddo preswyl yn diddymu penderfyniad Rhentu Doeth Cymru
- 1 achos yn parhau

Gorchmynion Ad-dalu Rhent

Mae Rhentu Doeth Cymru wedi gwneud cais am 2 gorchymyn ad-dalu Rhent, a mae'r ddau gais wedi cael ei ganiatau

Appeals

6 Appeals against Licence Conditions:

- 3 withdrawn by applicant
- 1 RPT quashed appeal
- 2 cases awaiting decision

13 Appeals against fitness and proprietary decisions resulting in:

- 4 withdrawn
- 5 RPT upheld RSW decision
- 3 RPT quashed RSW decision
- 1 case ongoing

Rent Repayment Orders

RSW applied for 2 repayment orders, both of which have been granted

I grynhoi:
In summary:

Mae y ddeddfwriaeth yn sicrhau:

Safonau rheoli gwell yn y sector rhent preifat trwy cofrestriad, trwyddedu, yr archwiliad o ceisiadau a'r rheoliad o trwyddedwyr.

Mwy o wybodaeth strategol ddefnyddiol ar gyfer ALlau am landlordiaid ac asiantau a lleoliad eiddo rhent preifat, a ffordd haws o gysylltu â'r sector.

Mwy o ymwybyddiaeth gan landlordiaid, asiantau a thenantiaethau o'u hawliau a chyfrifoldebau priodol.

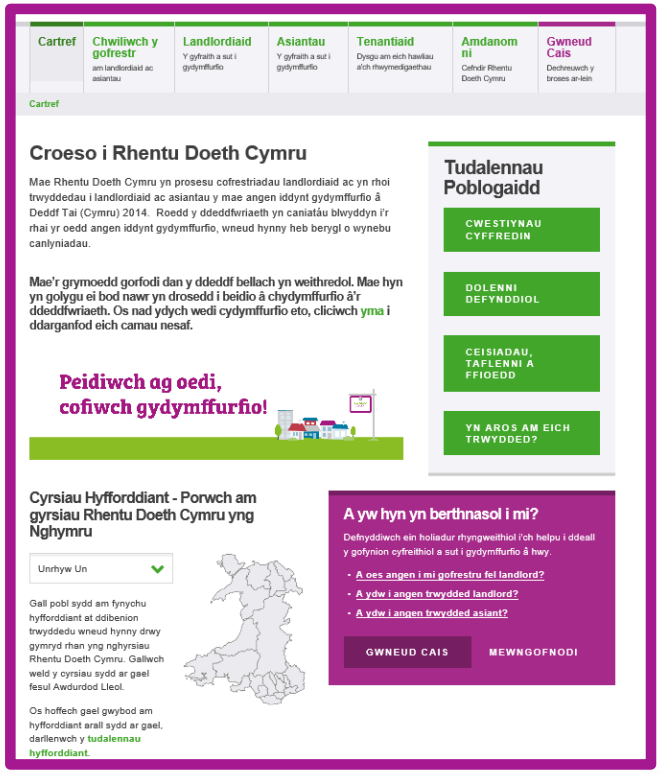
The legislation is resulting in:

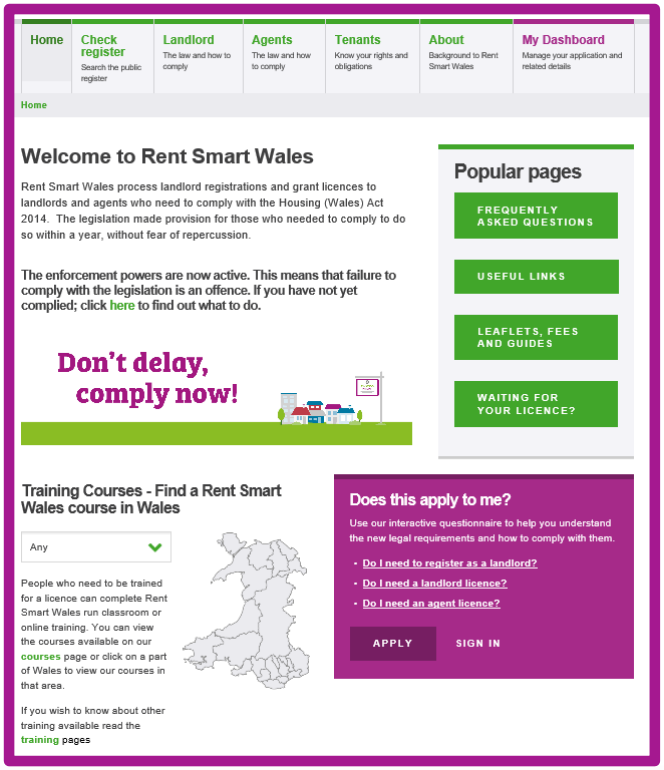
Improved management standards in the private rented sector through registration, licensing, the scrutiny of applications and the regulation of licensees.

More useful strategic information for LAs on landlords and agents and the location of private rentals; and easier means to connect with sector.

Raised awareness by landlords, agents and tenants of their respective rights and responsibilities.

Rhentu Doeth Cymru
Rent Smart Wales





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www.rhentudoeth.llyw.cymru
@rdc.rsw
@rhentudoethcym
Rhentudoethcymru@caerdydd.gov.uk

Contact us

www.rentsmart.gov.wales
@rdc.rsw
@rentsmartwales
rentsmartwales@cardiff.gov.uk

03000 1333 44