



# Tenant Fees Act 2019

## 2019 CHAPTER 4

### *Enforcement*

#### **15 Recovery by relevant person of amount paid**

- (1) Subsection (3) applies where—
  - (a) a landlord or a letting agent breaches section 1 or 2, as a result of which the landlord or letting agent, or a third party, receives a prohibited payment from a relevant person, and
  - (b) all or part of the prohibited payment has not been repaid to the relevant person.
- (2) Subsection (3) also applies where—
  - (a) a landlord or letting agent breaches Schedule 2 in relation to a holding deposit paid by a relevant person, and
  - (b) all or part of the holding deposit has not been repaid to the relevant person.
- (3) The relevant person may make an application to the First-tier Tribunal for the recovery from the landlord or letting agent of—
  - (a) if none of the prohibited payment or holding deposit has been repaid to the relevant person, the amount of the prohibited payment or holding deposit;
  - (b) if part of the prohibited payment or holding deposit has been repaid to the relevant person, the remaining part of the prohibited payment or holding deposit.
- (4) Subsection (5) applies where—
  - (a) a landlord or letting agent breaches section 1 or 2, as a result of which a relevant person enters into a contract with a third party, and
  - (b) the relevant person has made a payment or payments under the contract.
- (5) The relevant person may make an application to the First-tier Tribunal for the recovery from the landlord or letting agent of the amount of the payment or (as the case may be) the aggregate amount of the payments that the relevant person has made.
- (6) Subsection (3) does not apply in relation to a prohibited payment or holding deposit if or to the extent that, with the consent of the relevant person—

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*Changes to legislation: There are currently no known outstanding effects for the Tenant Fees Act 2019, Section 15. (See end of Document for details)*

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- (a) the prohibited payment or holding deposit, or the remaining part of it, has been applied towards a payment of rent under the tenancy, or
  - (b) the prohibited payment or holding deposit, or the remaining part of it, has been applied towards the tenancy deposit in respect of the tenancy.
- (7) Subsection (3) or (5) does not apply where an enforcement authority has commenced criminal proceedings against the landlord or the letting agent for the same breach.
- (8) Subsection (3) or (5) does not apply where an enforcement authority has required the landlord or letting agent to pay to the relevant person all or part of the amount or (as the case may be) the aggregate amount referred to in that subsection.
- (9) On an application under subsection (3) or (5), the First-tier Tribunal may order the landlord or the letting agent to pay all or any part of the amount or (as the case may be) the aggregate amount referred to in that subsection to the relevant person within the period specified in the order.
- (10) A period specified under subsection (9) must be a period of at least 7 days but not more than 14 days beginning with the day after that on which the order is made.
- (11) An order of the First-tier Tribunal under this section is enforceable by order of the county court as if the amount payable under the order were payable under an order of that court.

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**Commencement Information**

**II** S. 15 in force at 1.6.2019 by S.I. 2019/857, reg. 3(n)

**Changes to legislation:**

There are currently no known outstanding effects for the Tenant Fees Act 2019, Section 15.