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DRAFT STATUTORY INSTRUMENTS

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**2015 No.**

**The Energy Efficiency (Private Rented Property)  
(England and Wales) Regulations 2015**

**PART 2**

**Tenants' energy efficiency improvements**

**CHAPTER 4**

**Enforcement**

**Application to the First-tier Tribunal**

**17.**—(1) In any case where a tenant has served a tenant's request, the tenant may apply to the First-tier Tribunal on the grounds that—

- (a) the landlord failed to serve a landlord's initial response, or a landlord's full response, in accordance with regulation 12,
- (b) the landlord refused consent to the making of a relevant energy efficiency improvement specified in the tenant's request other than in accordance with these Regulations,
- (c) the landlord's counter proposal fails to comply with regulation 13, or
- (d) the landlord served a counter proposal and the tenant gave any consent and confirmation referred to in regulation 13(5)(b) which was required, but the energy efficiency improvement specified in the landlord's counter proposal was not made by the date specified in accordance with regulation 13(3)(e).

(2) In any case where a superior landlord was served in accordance with regulation 12(5), the tenant may apply to the First-tier Tribunal on the grounds that the superior landlord refused consent to the making of a relevant energy efficiency improvement specified in the tenant's request other than in accordance with these Regulations.

**Determination of an application**

**18.**—(1) The First-tier Tribunal must determine whether—

- (a) the landlord's, or the superior landlord's, refusal of consent,
- (b) the landlord's initial response,
- (c) the landlord's full response,
- (d) the counter proposal, or
- (e) the landlord's failure to make energy efficiency improvements specified in a counter proposal,

failed to comply with these Regulations.

(2) If the First-tier Tribunal determines that the landlord, or the superior landlord (as the case may be), has failed to comply with these Regulations in any manner referred to in paragraph (1), the First-

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**Draft Legislation:** This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 ISBN 978-0-11-113243-2

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tier Tribunal may by Order consent to the making of any relevant energy efficiency improvement specified in the tenant's request.