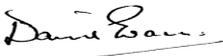


**Notice of the Rent Assessment Committee Decision
Register of Rents under Assured Periodic Tenancies
(Section 14 Determination)**

Housing Act 1988 Section 14

Address of Premises	The Committee members were	
163B Clive Street, Grangetown, Cardiff, CF11 7HQ	David Evans LLB LLM John Singleton BSc MRICS	
Landlord	Mr Robert Earnshaw	
Address	6 th Floor, 85 Henke Court, Atlantic Wharf, Cardiff Bay, CF10 4EB	
Tenant	Mr Michael Salmon	
1. The rent is:	£500	Per Calendar Month (excluding water rates & council tax but including any amounts in paras 3&4)
2. The date the decision takes effect is:	19 th April 2015	
*3. The amount included for services is	nil	Per <input type="text"/>
*4. Services charges are variable and are not included		
5. Date assured tenancy commenced	19 th October 2012	
6. Length of the term or rental period	Initial Term – 1 year	
7. Allocation of liability for repairs	As per S.11 Landlord and Tenant Act 1985	
8. Furniture provided by landlord or superior landlord		
White goods		
9. Description of premises		
2 Bedroom First Floor Flat		
Signed by the Chairman of the Rent Assessment Committee.	Date of Decision	29 th April 2015
		

Y TRIBIWNLYS EIDDO PRESWYL
RESIDENTIAL PROPERTY TRIBUNAL
RENT ASSESSMENT COMMITTEE
(Housing Act 1988)

Reference: RAC/0041/03/15

PROPERTY: 163B Clive Street Cardiff CF11 7HQ

LANDLORD: Mr Robert Earnshaw

TENANT: Mr Michael Salmon

COMMITTEE: D J Evans LLB LLM
John Singleton BSc MRICS

REASONS FOR THE DECISION OF THE RENT ASSESSMENT COMMITTEE

INTRODUCTION

1. We convened as a Rent Assessment Committee under the provisions of the Housing Act 1988 (the Act) on the 29th April 2015 at the Tribunal Offices, Southgate House, Wood Street, Cardiff. We had before us an application in respect of 163B Clive Street Cardiff CF11 7HQ (the Property). On the 19th October 2012 the Landlord, Mr Robert Earnshaw, had granted the Tenant, Mr Michael Salmon, an Assured Shorthold Tenancy of the Property for an initial term of 12 months with effect from that date an initial rent of £475 per calendar month.
2. On the 3rd March 2015, the Landlord's agent, Sequence (UK) Ltd, served on the Tenant a notice increasing the rent from £475 pcm to £525 pcm. The new rent was to be effective from the 19th April 2015. On the 12th March 2015, the Tenant referred the notice to us. No issue has been raised by either party relating to either the notices or the Committee's jurisdiction. The only issue for us to determine is the amount of rent payable from the 19th April 2015. Before considering the matter, we visited the Property. The Tenant was present and we were able to inspect the Property internally and the building externally from the front only. Neither the Landlord nor his agent attended.

INSPECTION

3. The Property is a two bedroom flat situated on the first floor of a mid-terrace house located on a broad dual carriageway in the Grangetown area of Cardiff. The original house is of single brick construction painted at the front with a pitched, "slate" roof. The house fronts directly onto the pavement. The paint is peeling away from the brickwork which detracts somewhat from the appearance. There is a common hallway. A staircase leads up to the first floor landing, off which are the kitchen, the bathroom, the living room and the two bedrooms. The kitchen is light and airy with a tiled floor and part tiled walls. The Landlord has provided the white goods (no dishwasher). There is an adequate range of units. The freezer is in a separate cupboard just off

the kitchen. The bathroom has a shower, a toilet and a wash hand basin. There is no access to the garden.

4. The Property is centrally heated and has double glazing with wooden frames, some of which might need attention. There are unfortunately signs of damp in the bathroom, the landing and both bedrooms. This is bound to influence a potential tenant when considering whether to take a tenancy and if so at what rent. The Tenant has provided the living room blinds. Apart from the white goods the Property is let unfurnished.
5. The Property is conveniently located with local shopping in Penarth Road and both road and rail services available into the city centre. The area is also convenient for Cardiff Bay for entertainment and for the out of town shopping. There is also easy access to the M4 Link Road.

REPRESENTATIONS

6. Both parties had informed us that they did not require a hearing and provided us with their written representations. In his representations dated the 17th March 2015, the Tenant argues that:
 - a) there is damp in the bathroom, main bedroom and communal areas;
 - b) the Tenant (with the Landlord's approval) decorated the living room in January 2015;
 - c) the proposed increase is unfair.
7. In its response dated the 19th March 2015, the Landlord's agent argues that:
 - a) the accompanying list shows that similar properties in the area have been let for rents higher than that proposed for the Property;
 - b) the rent has not increased since the start of the tenancy in October 2012.

EVIDENCE

8. We are required under the Act to determine the rent at which we consider that the Property "might reasonably be expected to be let in the open market by a willing landlord under an assured tenancy" (section 14(1) of the Act). We are required to ignore a tenant's improvements. We are also unable to consider the personal circumstances of the parties. We must consider the Property in its current condition.
9. When determining the rent, we consider the evidence submitted by the parties, particularly the evidence relating to similar properties within the area. Each case depends on its own facts. The evidence presented should therefore be directed towards assisting the Committee. Ideally, of course, comparables should be cases where rents have been agreed or determined. We appreciate that this is not always possible and that asking rents may be the only evidence available in some cases. Likewise the condition of the various properties may be unknown.
10. Unfortunately, the supply of thumbnail sketches of the three properties provided on behalf of the Landlord is not satisfactory. None of the addresses was given, making it difficult to identify the actual properties, a situation not helped by the provision of photographs of one of the rooms and not the outside. Some of the details were cut short. Our inspection was therefore limited to an external view of the properties generally in the areas marked by the relevant numbers (1, 2 and 3) on the plan exhibited as part of the list.
11. We viewed the following:

- Properties in Ferry Road - These properties are better located than the Property and generally seem to be of better quality, opposite a park (or nearly opposite depending on exactly where this property is located}. The basement flats have their own entrances. This one has two double bedrooms and some outside benefit which is cut short on the particulars. The asking rent is stated as being £625 pcm. From the picture it appears stylish both in its layout and its décor. It also appears to be furnished as it is shown as having a settee as well as a dining table and chairs. On the basis of the area and the style of the property we are satisfied that this would attract a higher rent than that for the Property.
- Properties on the west side of Clive Street - These houses are on the western side of the street, closer to Penarth Road. They have a small front garden and are therefore set back slightly from the road. Their frontages have an attractive design and with two double bedrooms as well as a bath with a shower we would consider that flats in these houses would command a higher rental than the Property (£570 pcm). The photograph appears to have a kitchen table and a chair. The narrative has been cut short and we are therefore unable to tell the extent to which this flat is furnished or what “further benefits” are included. The papers indicate that a letting has been agreed, but we do not know at what rent.
- Properties on the east side of Clive Street - These properties are on the same side of street as the Property. The flat pictured, with an asking rent of £550 has a double bedroom and a single bedroom, but it also has a bath. It has recently been redecorated throughout. Its recent redecoration would make it a more attractive proposition than the Property as the potential tenant might be concerned that the exterior lack of decoration might be indicative of the Landlord’s attitude to his responsibilities.

CONSIDERATION

12. For the reasons expressed in paragraph 11, we consider that the first two properties (Ferry Road and the west side of Clive Street) are better located and from their general appearance and design they would attract higher rents than the Property. The third property on the same side of the road as the Property has a bath which is an added attraction. It has been redecorated which will again place it at an advantage over the Property where the painted brickwork at the front is very much in need of attention. Also of concern is the damp as referred to by the Tenant in his representations. We were able to see the damp on our inspection. In our view the Tenant has a point. The failure to remedy the damp is bound to impact on the rent which the Landlord could charge on the open market.
13. Although the property on the west side of Clive Street states that a letting has been agreed, it is not clear from the particulars provided whether the quoted rent of £570 pcm was achieved. The first property (Ferry Road) is stated as being “to let” having been marketed from 25th February to at least the date when the information was compiled (20th March 2015). The rent quoted in that case is clearly the asking rent. Again, the details of the third property (east side of Clive Street) must also refer to the asking rent, but this property is stated as being marketed for only one day (23rd February 2015) before being archived. It does not indicate whether a tenant was found or whether it was withdrawn from the listing.
14. Relying upon our knowledge and experience and having regard to the evidence provided, in particular the evidence relating to another property on the east side of Clive Street, and also making an adjustment for the condition of the front external wall of the building and the damp within the Property, we have concluded that the proposed rent of £525 pcm is not a rent at which the Property could reasonably be let in the open market by a willing landlord under an

assured tenancy. We have concluded that the rent at which the Property could be so let is £500 pcm.

DETERMINATION

15. WE DETERMINE that the rent at which the Property might reasonably be expected to be let in the open market by a willing landlord is £500 per calendar month. This Decision is effective from the 19th April 2015, the date specified in the Landlord's notice of increase.

DATED this 13th day of May 2015

A handwritten signature in black ink, appearing to read "David Gwynne", with a horizontal line underneath it.

CHAIRMAN/CADEIRYDD