


**Rent Assessment Panel for Wales**

<b>Notice of the Rent Assessment Committee Decision</b>		File Reference Number: RAC/0012/04/14 Penial Green Road
Address of Premises:  218 Penial Green Road Llansamlet Swansea SA7 9BQ	The Committee members were:  S. Povey P. Lucas	
(1) The Committee has decided that the rent for the above premises is:  The new rent will be entered by the rent officer in the rent register.	£80.50 per week  (This amount excludes council tax and water rates but includes any amounts entered in boxes 3-5 below.)	
(2) The effective date is: The new rent will apply from this date.	2 <sup>nd</sup> July 2014	
(3) The rent is not to be registered as variable.		
(4) The amount for services is:	N/A	
(5) The amount for fuel charges (excluding heating and lighting of common parts) not counting for rent allowance is:	N/A	
(6) The rent is not exempt from the maximum fair rent because of repairs or improvements carried out by the landlord.		
(7) Details (other than rent) where different from Rent Register entry: N/A		
Date of decision: <u>2<sup>nd</sup> July 2014</u>	Chairman: 	
<b>If the fair rent the Committee determined was higher than the maximum fair rent, the limit on fair rent increases may apply. If this is the case, the uncapped fair rent the committee determined is shown in box 8. This is shown for information purposes only and does not affect the rent payable.</b>		
(8) The uncapped fair rent was: £86.00		

**Y TRIBIWNLYS EIDDO PRESWYL**  
**RESIDENTIAL PROPERTY TRIBUNAL**  
**RENT ASSESSMENT COMMITTEE**  
**(Rent Act 1977)**

**Reference:** RAC/0012/04/14 Penial Green

**Property:** 218 Penial Green, Llansamlet, Swansea, SA7 9BQ

**Landlord:** Family Housing Association (Wales) Limited

**Tenant:** Mr Shepherd & Ms Williams

**COMMITTEE:** S. Povey  
P. Lucas

**REASONS FOR THE DECISION OF THE RENT ASSESSMENT COMMITTEE**

The registered rent for 218 Penial Green, Llansamlet, Swansea, SA7 9BQ is determined at £80.50 per week.

The registration of the rent takes effect from 2<sup>nd</sup> July 2014.

**Background**

1. The Applicant, Family Housing Association (Wales) Limited ('FHA') is the landlord of 218 Penial Green, Llansamlet, Swansea SA7 9BQ ('the property'). The tenants and Respondents are Mr Shepherd and Ms Williams. The tenancy of this property began on 5<sup>th</sup> December 1988 and is therefore a secure tenancy pursuant to the Housing Act 1985 (the landlord being a housing association and the tenancy having started before the advent of the assured regime in February 1989). By virtue of sections 86 and 87 of the Rent Act 1977, the fair rent regime applies to this tenancy.
2. On 30<sup>th</sup> January 2014, FHA applied under s.67 of the Rent Act 1977 for registration of a fair rent. The rent had been £72 per week since the last registration in March 2012. FHA sought a new rent of £90.96 per week.
3. Pursuant to that application, the rent officer registered a rent of £79 per week effective from 10<sup>th</sup> March 2014.
4. By a letter dated 25<sup>th</sup> March 2014, FHA objected to the rent officer's determination. By reason of Paragraph 6, Schedule 10 to the Rent Act 1977, the rent officer referred the matter to the Rent Assessment Committee of the Residential Property Tribunal ('the Tribunal').

## The Inspection

5. The Tribunal inspected the property on 2<sup>nd</sup> July 2014 in Ms Williams' presence. There was no attendance by FHA.
6. This particular property comprises a double fronted end of terrace two storey dwelling house situated in a slightly elevated position fronting Penial Green Road within the community of Llansamlet, Swansea. General local amenities are within one mile radius whilst Swansea city centre is approximately four miles away. The property is of pre-1919 construction with external walls of solid brick and stonework incorporating a dressed stone front elevation with spar rendering to the rear and side elevations. The roof is of interlocking concrete tiles and the property incorporates Upvc double sealed windows throughout.
7. The accommodation comprises the following:

### 7.1. Ground Floor

Entrance hall; sitting room (4.6m x 3.1m) with double sealed window to the front and radiator; rear hall having under stairs store; dining room (4.6m x 2.9m) with one double sealed window to the front and one double sealed window to the rear and radiator; kitchen (3.2m x 2.6m) with double sealed window, modern base units and matching wall cupboards, radiator and non-slip flooring.

### 7.2 First Floor

Landing; bedroom no.1 (front) (4.6m x 3m) double sealed window overlooking Penial Green Road with radiator; bedroom no.2 (rear) (2.7m x 2.6m) radiator, double sealed window and access to loft space; bedroom no.3 (front) (4.3m x 2.7m) two double sealed windows overlooking Penial Green Road, radiator and loft access; bathroom (2.3m x 1.7m) with twin grip panelled bath with shower, pedestal hand basin, low flush WC, radiator, double sealed window, non-slip flooring and airing cupboard housing the Worcester wall mounted combination condensing boiler;

### 7.3 Outside

To the front of the property a shallow flight of steps rises to a small lawned area with adjacent front footpath. There is a pedestrian access to the side whilst at the rear are two court gardens with sizeable and neat lawn beyond. The rear boundary comprises established hedging with mature trees. The property has no on-site parking facilities;

### 7.4 Condition & Services

Although no detailed survey was undertaken, at the time of inspection the dwelling was in good order throughout. Slight condensation dampness was noted in the rear internal wall of the dining room with suspected damp penetration in the rear corner wall of the sitting room. Decorations were to a high standard. All main services connected with gas fired central heating.

8. Following the inspection, the Tribunal convened to consider its decision. Mr Shepherd attended on behalf of the tenants, whilst Lisa Rhys (Senior Housing Officer) and Joy Jagoe-Williams (Housing Officer) attended on behalf of FHA.

### **The Law**

9. Section 70 of the Rent Act 1977 sets out the factors to be considered when determining a fair rent. In particular, and of relevance to this application, we are required to have regard to the age, character, locality and state of repair of the property.
10. At the same time, s.70 requires us to disregard:
  - 10.1. The personal circumstances of the parties ;
  - 10.2. Any disrepair or other defect attributable to a failure by the tenants under the terms of the tenancy;
  - 10.3. Any improvements carried out by the tenants, other than as required under the tenancy
11. We must also assume that the number of people seeking to become tenants of similar properties in the area on terms identical to the tenancy (save as to rent) is not substantially greater than the number of such properties which are available to rent on such terms. In other words, we must make certain assumptions regarding scarcity and demand.
12. In addition, further regulation of Rent Act rents is provided by the Rent Acts (Maximum Fair Rent) Order 1999 ('the Maximum Fair Rent Order'), which places a cap on the permissible amount of the increase of a fair rent between one registration and the next. The cap is based upon the amount of increase in the Retail Prices Index between the dates of the two registrations.
13. By virtue of section 72 of the Rent Act 1977, the registration of the rent takes effect from the date when the Tribunal reached our decision.

### **Findings of Fact & Conclusions**

14. The starting point in assessing a rent under s.70 Rent Act 1977 is to establish the market rent for the property. To that rent, a number of adjustments are made, to reflect the requirements of s.70.
15. The rent officer had had regard to a range of rents for three bedroom properties in the SA7 postal area but we were not provided with the addresses of these properties. The rents ranged from £92 to £173 per week. Based upon that evidence, the rent officer set the market rent for the property at £110 per week.
16. Using our own skill and expertise, and having regard to the size and location of the property, we agreed with the rent officer's evaluation that £110 per week was a realistic market rent for this property.

17. We would expect carpets and curtains to usually be provided by the landlord in a rented property and therefore deduct £8 from the market rent, to reflect this (and the size of the property).

18. The overall condition of the property was good. However, we were satisfied that there was damp in the sitting room rather than condensation. Although confined to a small area, it was still relevant to our deliberations and we deducted a further £1 to reflect this.

19. We were satisfied that there is a degree of scarcity for this type of property, given its proximity to Swansea city centre and the surrounding area. As such, we made an adjustment of 15% to reflect this.

### Calculations

20. Applying our findings and conclusions, we determined the rent as follows:

Market Rent	£	£
		110.00
Less Adjustments (if appropriate)		
Lack of Central Heating	0.00	
Carpets/Curtains	8.00	
Basic Kitchen/Bathroom	0.00	
Condition	1.00	
Double Glazing	0.00	
Other (specify)	<u>0.00</u>	
	<u>9.00</u>	
Adjusted Market Rent		101.00
Deduct for Scarcity	15%	<u>15.15</u>
Fair Rent (excl services)		85.85
Add services (if any)		0.00
<b>Fair Rent (to nearest 50p)</b>		<b>86.00</b>

21. Under the Maximum Fair Rent Order, the capped fair rent is £80.40 per week, say £80.50 per week. As the rent we have determined exceeds the maximum fair rent, the Order applies.

## Conclusion

22. The fair rent for the property is therefore capped £80.50 per week
23. The registration of the rent takes effect from 2<sup>nd</sup> July 2014, the date we reached our decision.

DATED this 5<sup>th</sup> day of August 2014

A handwritten signature in black ink, appearing to read 'S A Povey', with a horizontal line underneath.

S A POVEY  
CHAIRMAN