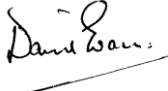


Rent Assessment Panel for Wales

Notice of the Rent Assessment Committee Decision		File Reference Number: RAC/0003/04/14 Balaclava Street
Address of Premises 28 Balaclava Street St Thomas Swansea SA1 8BR	The Committee members were D. J. Evans LLB LLM P Tompkinson BSc MRICS	
(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.	£79.00 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.	9 th July 2014	
(3) The rent is not to be registered as variable.		
(4) The amount for services is:	Nil	
(5) The amount for fuel charges (excluding heating and lighting of common parts) not counting for rent allowance is:	Nil	
(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>9th July 2014</u>	 Chairman:	
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.		
(8) The uncapped fair rent was: £92.00 per week		

Y TRIBIWNLYS EIDDO PRESWYL
RESIDENTIAL PROPERTY TRIBUNAL

DECISION OF THE RENT ASSESSMENT COMMITTEE
(RENT ACT 1977)

Reference: RAC/0003/04/14

Property: 28 Balaclava Street, St Thomas, Swansea, SA1 8BR

Landlord: Family Housing Association (Wales) Ltd

Tenant: Mrs V Roberts

Committee: D J Evans LLB LLM
P Tompkinson BSc MRICS

INTRODUCTION

1 We convened as a Rent Assessment Committee under the provisions of the Rent Act 1977 on the 9th July 2014. We had before us a reference from the Rent Officer in respect of 28 Balaclava Street, St Thomas, Swansea SA1 8BR (the Property). The Rent Officer had registered a fair rent of £78.50 per week on the 10th March 2014. The Landlord, Family Housing Association (Wales) Ltd, has objected to the Rent Officer's decision and the Rent Officer has referred the matter to us. The Landlord had applied for the rent to be increased to £90.96 pw.

2 Before considering the matter, we visited the Property. The Tenant, Mrs V Roberts, was not present. However, her husband attended and we were therefore able to inspect both internally and externally. The Landlord did not attend.

INSPECTION

3 The Property is a three bedroom semi-detached house located in a residential area of Swansea known as St Thomas. It was constructed approximately 100 years ago as workers' accommodation for people employed in local industries. It has a stone front and is spa rendered at the rear and side, with solid walls, uPVC doors and windows and a tiled roof. There is double glazing and central heating throughout. Mr Roberts claimed that there were problems with the water pressure but we were not able to verify this. The Tenant has provided the white goods and the flooring in the kitchen and the floor coverings elsewhere as well as the curtains. The Property has a small front garden and a modest rear garden, concreted over by the Tenant. The houses in the immediate terrace are similar in style. The Property is located close to Swansea City centre with its shopping and transport connections. There are some locally based facilities for shopping and schools.

4 Downstairs, the Property has a front living room with a bay window. A middle room forms a kitchen/dining room with some dated units (apparently 15 years old) installed by the Landlord. The Tenant has provided the white goods. To the rear, where the original kitchen was located there are two further rooms one of which is now used as a mini-gym. In the hall there is an under stairs toilet which has insufficient headroom to be functional and might even detract from the Property rather than enhance it. Upstairs, there are three bedrooms. There is evidence of damp in the large back bedroom which we considered to be due to a leak possibly associated with the chimney. There was

also mould in the middle bedroom. Its location suggested to us that the cause was a leak rather than condensation. The front bedroom has been reduced in size to make way for the bathroom with vinyl wall panels, a new electric shower and new units. Unfortunately, the work is not complete.

REPRESENTATIONS

5 The Landlord argues, in its letter of the 25th March 2014 addressed to the Rent Officer, that it had requested an increase of the rent to £90.96 pw, but the increase allowed was only to a rent of £78.50 pw which was a shortfall of £12.46 pw equating to £647.92 pa plus any additional increase for the year 2015/2016. The proposed increase was consistent with the rents of comparable properties in the area and in line with the benchmark rents for assured properties for the current year. The disparity would have an adverse effect on the Landlord's finances. We were not provided with any comparables by either party.

6 In her representations dated the 16th June 2014, the Tenant states that she pays her water charges direct and that the increase requested by the Landlord would put her and her family into financial difficulties.

CONSIDERATION

7 We are required to determine a fair rent in accordance with section 70 of the Rent Act 1977 (the Act) and the principles laid down in the case law. We are also required to ignore the personal circumstances of the parties. Neither the fact that the rent is lower than the benchmark rent nor its potential effect on the parties' finances are matters which we are able to take into consideration.

MARKET RENT

8 Neither party had provided us with any comparables. The list of rentals provided by the Rent Officer is none too specific, and gives no more than an indication of rents in the general area - between £69.23 pw and £173.08 pw (in post code SA1 7). We are, therefore, entitled to rely upon our own knowledge and experience of the property market. The Rent Officer's figure is £114.23 pw less £4.00 pw for age, character, location and repair. This gives a figure of £110.23 pw. In our view, this is on the low side. We are aware of a three bedroom property in Sea View Terrace at £595 pcm (£137.31 pw), an area which would command significantly higher rents. The Property is semi-detached, in a quiet road in a higher rental area than Port Tennant, but not as high as in Sea View Terrace. In our view the market rent for the Property would be £121.00 pw on the basis that it has a modern kitchen and bathroom and with white goods, floor coverings and curtains provided by the Landlord as are generally expected in the market.

ADJUSTMENTS

9 The Tenant has provided the kitchen appliances, the floor coverings as well as the curtains. Such matters, as well as the basic, rather dated kitchen and the uncompleted bathroom, are bound to impact upon the attitude of prospective tenants when viewing the Property. We therefore make the following adjustments:

For the provision of a basic kitchen and incomplete bathroom	£5.00 pw
For lack of floor coverings and curtains	£6.00 pw
For lack of repair	<u>£2.00</u> pw
TOTAL DEDUCTIONS	£13.00 pw

We therefore determine that the adjusted market rent is £108.00 pw.

SCARCITY

10 We are required by the Act to take into account in assessing a fair rent for the Property whether there is an excess of demand over supply of accommodation such as this in Swansea and the wider area. We are satisfied on the basis of our own knowledge that there is very little in the way of rented accommodation available at the present time over the wider area. Properties are generally not on the market for long. Social landlords have insufficient properties available to fulfil the area's housing needs. Of course, the demand for social housing will be higher as the rents are generally lower than in the private sector, but downsizing, affordability and mortgagability are all applying pressure on the rental market. Applying our own knowledge and experience, we are satisfied that there is still a strong demand for properties of this type in Swansea and the wider area. We therefore conclude that it is appropriate to reduce the adjusted market rent by 15% to take this scarcity into account.

11 Accordingly, we have deducted £16.20 pw from the adjusted market rent to reflect this, making the fair rent for the Property £91.80 pw, say £92.00 pw.

MAXIMUM FAIR RENT

12 We are required to consider whether the provisions of the Rent Acts (Maximum Fair Rent) Order 1999 apply. The existing rent, registered on the 13th March 2012 was £71.00. The Retail Prices Index (RPI) published for March 2012 was 240.8. The RPI published in June 2014 was 255.9. The relevant increase in the RPI was 15.1. The appropriate enhancement factor in accordance with the Order is 0.05. To calculate the maximum fair rent we apply the formula as set out in the Order as follows:

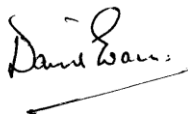
$$\text{Maximum Fair Rent} = £71.00 \times \left(1 + \frac{15.1}{240.8} + 0.05\right) = £79.00$$

We assess the maximum fair rent to be £79.00 pounds per week.

DECISION

13 We therefore determine the fair rent for 28 Balaclava Street, St Thomas, Swansea SA1 8BR to be £79.00 pw.

DATED this 13th August 2014



CADEIRYDD/CHAIRMAN