


**Rent Assessment Panel for Wales**

<b>Notice of the Rent Assessment Committee Decision</b>		File Reference Number: RAC/0021/07/16 - Dartmouth
Address of Premises 30 Dartmouth Gardens Milford Haven Pembrokeshire SA73 2AP	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.	72.00 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.	4 <sup>th</sup> October 2016	
(3) The rent is 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>5<sup>th</sup> October 2016</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: £72.00		

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

**Reference:** RAC/0021/07/16 - Dartmouth

**Property:** 30 Dartmouth Gardens, Milford Haven, Pembrokeshire SA73 2AP

**Landlord:** Deltarock Limited

**Tenant:** Mr N. Mathias

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

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

The registered rent for 30 Dartmouth Gardens, Milford Haven, Pembrokeshire SA73 2AP is determined at £72 per week.

The registration of the rent takes effect from 4<sup>th</sup> October 2016.

**Background**

1. Deltarock Limited ('Deltarock') is the landlord of 30 Dartmouth Gardens, Milford Haven, Pembrokeshire SA73 2AP ('the property'). The tenant is Mr Mathias. The tenancy of this property began in or around 1966 and is therefore a protected tenancy under the Rent Act 1977. It follows that the fair rent regime applies.
2. On 7<sup>th</sup> June 2016, Deltarock applied under s.67 of the Rent Act 1977 for registration of a fair rent. The rent had been £70.50 per week since the last registration in July 2014. Deltarock sought a new rent of £90 per week.
3. Pursuant to that application, the rent officer registered a rent of £71.50 per week effective from 28<sup>th</sup> July 2016.
4. By a letter dated 12<sup>th</sup> July 2016, Deltarock 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').
5. Deltarock was content for the matter to be determined without a hearing. Mr Mathias wished to make a number of representations in person and it was agreed that these could be done during the Tribunal's inspection of the property.

## **The Inspection**

6. The Tribunal inspected the property on 4<sup>th</sup> October 2016 in Mr Mathias' presence. There was no attendance by Deltarock.
7. Following the inspection, the Tribunal convened to consider its decision. Neither party chose to attend the said hearing.

## **The Property**

8. The property comprises an end of terraced two storey dwelling house situated in a row of similar properties towards the end of the residential cul de sac of Dartmouth Gardens, Milford Haven. This location forms a central position within the town and indeed the main town centre at Charles Street is within a few hundred yards walking distance whilst the Retail Park of Havenshead is approximately quarter of a mile away.
9. The bulk of the properties forming Dartmouth Gardens were built in approximately 1900 for the Milford Estate. However, the vast majority of these are now owned privately.
10. The property faces north and immediately to the rear (south) is a public car park. On street parking is available with no restrictions.

## **Construction & Services**

11. The property is of solid brick and stone construction with Canterbury Spar rendered elevations, under a pitched fibre slate roof. The roof covering is relatively new. The dwelling also has modern Upvc double sealed windows which, we are advised, were installed approximately 4 years ago. A single storey extension at the rear incorporates a cat-slide roof covering.
12. All main services are connected. The property benefits from gas fired central heating.

## **The Accommodation**

13. The accommodation briefly comprises:

### 13.1. Ground Floor

- Recessed Entrance Porch
- Entrance Hall
- Sitting room (front) 3.8m x 3.1m – having tiled open fireplace and radiator.
- Living room (rear) 3.6m max x 3.7m - modern brick fireplace, radiator, under stairs store.
- Kitchen 2.8m x 2.7m approached via a short flight of steps from the Living room with single drainer stainless steel sink unit, double sealed rear entrance door to the

garden. It is understood that the majority of the Kitchen units were installed by the tenant.

### 13.2 First Floor

- Mezzanine Landing
- Bathroom 2.7m x 2.7m – panelled bath, pedestal hand basin and low flush WC, radiator, airing cupboard housing the Worcester wall mounted central heating boiler.
- Main Landing – original store cupboard.
- Bedroom 1 (rear) 3.7m x 3m – cast iron Coalbrookdale style fireplace, built in cupboard, radiator.
- Note: The former front bedroom 2 has been sub-divided by the tenant to provide:
- Storeroom 2.2m x 1.5m and smaller Bedroom 2 3.1m x 2.8m with cast iron Coalbrookdale style decorative fireplace, radiator, built in cupboard.

### 13.3 Outside

- To the front of the property a low stone wall with cast iron railings encloses a small forecourt.
- To the side and rear are gardens enclosed by high stone walls. The main garden area provides an attractive lawn and shrubberies, partly concealed by high privet hedging. In the south-west corner of the garden is a derelict former WC, and the rear garden wall provides a pedestrian access onto the public car park area.

## **Condition**

14. It is not within the remit of the Tribunal to undertake a survey on the property. However, at the time of inspection a number of defects were noted which are outlined below:

- 14.1. A section of fascia board and bargeboard together with the end stop to the roof gutter were missing in the north-eastern front elevation;
- 14.2. Significant rising and penetrating dampness was visible throughout the ground floor accommodation, particularly along the external walls. Wallpaper was loose in many areas of the two living rooms and evidence of flaking plasterwork and corroding corner strap wall supports were noted in the kitchen;
- 14.3. The property has polystyrene tiled ceilings to most rooms which are now regarded as a significant fire hazard. We understand that these were installed by the tenant many years ago;

- 14.4. Further dampness was noted in the first floor accommodation but this was not as extensive as viewed on the ground floor. During our inspection we noted that many of the boundary walls had been constructed using a high percentage of red sandstone. It is possible that the main structure of the building incorporates such stonework which is renowned for absorbing surface water;
- 14.5. The outside former WC is in a derelict and dangerous condition;
- 14.6. The external boundary walls to the side and rear require significant repointing and repair to ensure their stability.

### **External decoration**

15. In general the external decoration of the property is good.

### **Internal decoration**

16. In general the internal decoration of the property is good although decorative wallpaper is loose in many rooms as a result of the rising and penetrating dampness.

### **The Law**

17. 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.
18. At the same time, s.70 requires us to disregard:
  - 18.1. The personal circumstances of the parties ;
  - 18.2. Any disrepair or other defect attributable to a failure by Mr Mathias under the terms of the tenancy;
  - 18.3. Any improvements carried out by Mr Mathias, other than as required under the tenancy
19. We must also assume that the number of people seeking to become tenants of similar properties in the area on terms identical to Mr Mathias' 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.
20. 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.
21. By virtue of section 72 of the Rent Act 1977, the registration of the rent takes effect from the date when the Tribunal reached its decision.

## Findings of Fact & Conclusions

22. 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.
23. The rent officer had had regard to a range of rents for three bedroom, terraced and semi-detached properties in the SA73 postal area but we were not provided with the addresses of these properties. The rents ranged from £75 to £126 per week. Based upon that evidence, the rent officer set the market rent for the property at £105 per week.
24. Using our own skill and expertise, and having regard to the size and location of the property, we agreed with the rent officer's view that £105 per week was a realistic market rent for this property.
25. We would expect carpets and curtains to usually be provided by the landlord in a rented property. Mr Mathias has provided all carpets, floor coverings and carpets throughout the life of the tenancy. We therefore deduct £10 from the market rent to reflect this.
26. The overall condition of the property was good, with central heating and double glazing provided by the previous landlord. However, the property is maintained to a high standard by Mr Mathias. The kitchen units had been installed by him and the original bathroom fittings had not been upgraded or replaced. In our view, the rental market would expect the kitchen and bathroom to have been modernized by the landlord. We deducted a further £10 to reflect this.
27. The property suffers from rising and penetrating damp, especially in the front and rear sitting rooms and the kitchen. We accept Mr Mathias' evidence that he has reported this to Deltarock, who have also attended the property since purchasing it approximately four years ago. It is liable for the disrepair. We therefore make a further deduction of £5 from the market rent to reflect the condition of the property.
28. We are satisfied that there is a degree of scarcity for this type of property, given its location. As such, we made an adjustment of 10% to reflect this.

## Calculations

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

Market Rent	£	£
		105.00
Less Adjustments (if appropriate)		
Lack of Central Heating	0.00	
Carpets/Curtains	10.00	
Basic Kitchen/Bathroom	10.00	

Condition		5.00	
Double Glazing		0.00	
Other (specify)		<u>0.00</u>	
		<u>25.00</u>	
	Adjusted Market Rent		80.00
Deduct for Scarcity	10%	<u>8.00</u>	
Fair Rent (excl services)			72.00
Add services (if any)			0.00
	<b>Fair Rent (to nearest 50p)</b>		<b>72.00</b>

30. Under the Maximum Fair Rent Order, the capped fair rent is £76.50 per week. As the rent we have determined does not exceed the maximum fair rent, the Order does not apply.

### **Conclusion**

31. The fair rent for the property is therefore £72 per week.

32. The registration of the rent takes effect from 4<sup>th</sup> October 2016, the date we reached our decision.

DATED this 5<sup>th</sup> day of October 2016



S A POVEY  
CHAIRMAN