

Rent Assessment Panel for Wales

Notice of the Rent Assessment Committee Decision		File Reference Number: RAC/0024/11/13/Robert Street
Address of Premises 30 Robert Street Cathays Cardiff CF24 4PD	The Committee members were Mr R Taylor (Lawyer Chair) Mr R Baynham FRICS Mr J Sheperd (Lawyer)	
(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.	£409.50 per month (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.	12 th February 2014	
(3) The rent 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>12th February 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: £452.20		

Y Tribiwnlys Eiddo Preswyl

Residential Property Tribunal (Wales)

Rent Assessment Committee (Wales)

First Floor, West Wing, Southgate House, Wood Street, Cardiff. CF10 1EW.
Telephone 029 20922777. Fax 029 20236146. E-mail: rpt@wales.gsi.gov.uk

REASONS FOR DECISION OF RENT ASSESMENT COMMITTEE (WALES) Rent Act 1977 s.70

Premises: 30 Robert Street, Cathays, Cardiff ("the property")

Ref: RAC/0024/11/13/Robert Street

Hearing: 12th February 2014

Tenant: Mr A Griffiths

Landlord: Mr Gary Villas

Members of Tribunal: Mr R S Taylor – Lawyer Chairman
Mr R Baynham FRICS
Mr J Shepherd

DECISION

1. The fair rent for the property shall be registered in the sum of £409.50 per month which shall apply from the 12th February 2014.

18th February 2014

A handwritten signature in black ink, appearing to read 'Rhys Taylor'.

Rhys Taylor - Chairman

REASONS

Background.

1. This is an appeal concerning the decision of a Rent Officer dated 15th November 2013, concerning the registration of a fair rent for the property.
2. By application dated 19th September 2013 the landlord applied for the rent to be registered at £415 per month.
3. The previous rent, registered on 10th November 2011, was for £368 per month effective from 10th November 2010.
4. The landlord's application highlights that since the last registration of rent central heating has been installed and the boiler has been replaced.
5. The Rent Officer registered a new fair rent on the 15th November 2013 in the sum of £395 per month to be effective from 15th November 2013.
6. The landlord indicated in a letter dated 18th November 2013 (received 20th November 2013) that he wished to appeal against the decision of the Rent Officer. The Rent Officer accordingly referred the matter to us by letter dated 21st November 2013.

Inspection.

7. The committee inspected the property on the 12th February 2013.
8. The property comprises a flat fronted (i.e. without a forecourt) middle terrace house, located in the Cathays area of Cardiff within easy reach of all City Centre amenities. It is a popular area for student lets which tends to inflate the market.
9. The property is stone and brick built with a slate roof, circa 1900, with a ground floor bathroom extension which has a flat roof. A number of the windows have been replaced, some years ago, by double glazed UPVC units, whereas the remaining are single glazed wood casement. There is a central heating radiator in the rear living room and also in the bathroom, but not throughout the property.
10. The property has the benefit of a small enclosed rear garden area. The accommodation comprises an entrance hall, small front lounge, dining/reception

room with kitchen and bathroom to rear of the property. On the first floor there is a landing, two double bedrooms and a single bedroom.

Written submissions.

11. Neither party has requested an oral hearing. The tenant has made no written submissions. The landlord has invited us to treat his letter dated 18th November 2013 and further observations on his reply to the Rent Assessment Committee dated 5th December 2013 as his written submissions for us to take into account.
12. In short he submits that the rent increase allowed by the Rent Officer is no more or little more than a RPI increase, which does not reflect the improvements he has made since the last registration (namely the installation of a new boiler and partial central heating as described already). Further he submits that the rent is not in accordance with popularity of Cathays for rented properties.
13. He further takes issue with the deductions made by the Rent Officer for age/character, furniture, curtains and flooring. He noted the comparables supplied by the Rent Officer with unfurnished properties starting in the region of £575.
14. The landlord also took particular exception to the Rent Officer's description of the property as being "average", claiming instead that it is in good order, clean and tidy benefitting from modern windows and doors and partial central heating.

Market rent.

15. Applying our judgment as an expert committee we have determined that the market rent for the property is £625 per month. The Committee is of the view that the Rent Officer's market rent at £600 did not properly reflect the realities of demand in the Cathays area of Cardiff.

s.70 Rent Act adjustments

16. From the headline figure we must make the adjustments pursuant to s.70 of the Rent Act 1977. We make a deduction of £20 per month for the lack of full central heating. Whilst we note that the property benefits from "partial" central heating, this amounts

to one radiator in the rear reception room and bathroom. The rest of the property, including the entirety of the upstairs does not benefit from any form of heating.

17. We have made a £10 per month deduction for the carpets and curtains, which have been supplied by the tenant. We make a further £10 per month deduction for the basic kitchen and bathroom. We found both to be very basic, tired and dated. Whilst the property benefits from some double glazing, this was not throughout the property and a further £3 per month has been deducted to reflect this fact.
18. This Committee does not accept the landlord's argument that the property is unfairly described by the Rent Officer as "average." We would go further. No disrespect is meant to the living circumstances of the tenant, but the property is very tired, damp issues are evident in the upstairs front bedroom, and there was damp in the bathroom. The Committee felt that the property was below average and have reflected this by making a £50 per month deduction.
19. Unlike the Rent Officer, we have made no further deduction for the lack of furniture. We note that the property is let unfurnished and that the tenant has supplied all the furniture and white goods. However, we have determined the market rent based upon the assumption that it was let unfurnished. We note that the Rent Officer purports to make a £50 per month deduction pursuant to s.70(1)(b) of the Act, but as there is no furniture supplied with the tenancy, we do not wish take this deduction into account in our calculation.
20. This means we have a total of £93 per month to come off the market rent of £625 per month. This results in an adjusted market rent of £532 per month.

Scarcity.

21. The Rent Officer has selected a scarcity discount of 17.70%. Applying the Committee's own knowledge and expertise we determine the discount should be 15%, or £79.80 which is in line with many previous decisions of this committee.

Fair Rent.

22. This leaves a fair rent of £452.20 per month.

Maximum Fair Rents Order 1999

23. The Rent Acts (Maximum Fair Rent) Order does apply in this case. The MFR in this case is £409.50 we have appended our calculation which arrived at that figure to this decision.

24. The fair rent shall therefore be registered at £409.50 per month as from the 12th February 2014.

Rhys Taylor – legal chairman.

A handwritten signature in black ink that reads "Rhys Taylor". The signature is written in a cursive style with a large initial 'R'.

18th February 2014

address of property

30 Robert Street

date

12.2.14

(populate the pink cells with figures)

market rent

£
625.00 per month

adjustments

lack of central heating	20
carpets curtains	10
condition	50
basic bathroom	5
basic kitchen	5
double glazing	3
other (tenants improvements)	0
total	93

adjusted market rent

£
532.00

scarcity %

15 %

amount of reduction

£
79.80

fair rent

£
452.20

add services if any

0

maximum fair rent calculation

a) present RPI for last month published	253.4	
b) RPI for month of last registration	238.5	
c) = a) less b)		14.9
d) divide c) by b)		0.062474
e) add enhancement factor		0.05
add 1		1
f) total		1.112474
g) last registered rent		£ 368.00
H) multiply f) and g)		£ 409.39
i) round up to nearest 50 pence		£ 409.50