


**Rent Assessment Panel for Wales**

<b>Notice of the Rent Assessment Committee Decision</b>		File Reference Number: RAC/0028/07/14 Bwllfa Road
Address of Premises  42 Bwllfa Road Cwmdare Aberdare CF44 8UG	The Committee members were  Richard Payne Roger Baynham FRICS	
(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.	£77 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.	19 <sup>th</sup> September 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:		
Date of decision: <u>19<sup>th</sup> September 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:		

**Y TRIBIWNLYS EIDDO PRESWYL**

**RESIDENTIAL PROPERTY TRIBUNAL**

**RENT ASSESSMENT COMMITTEE  
(Rent Act 1977)**

**Reference:** RAC/0028/07/14 Bwllfa Road

**Property:** 42 Bwllfa Road, Cwmdare, Aberdare, CF44 8UG

**Landlord:** Cynon Taf Community Housing Group

**Tenant:** Mrs Pamela Jarvis

**COMMITTEE:** Richard Payne            Chairman  
                  Roger Baynham        Surveyor

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

1. We were duly convened as a Rent Assessment Committee under the Provisions of the Rent Act 1977 and met at the subject property on the 19th September 2014 at 9.15am. The weather was overcast. We had before us a reference from the Rent Officer dated 16<sup>th</sup> July 2014 in respect of 42 Bwllfa Road ("the Property"). The landlord of the Property is Cynon Taf Community Housing Group and the tenant is Mrs Pamela Jarvis.
2. The Rent Officer had determined a fair rent of £79 per week on the 12<sup>th</sup> June 2014 to be effective from the 22<sup>nd</sup> June 2014. The tenant objected by letter of 27<sup>th</sup> June 2014 and the Rent Officer referred the matter to us. The previous registered rent had been £71 per week registered by the Rent Officer as effective from the 22nd June 2012. The Landlord, by their application for registration of fair rent dated 11<sup>th</sup> April 2014 had suggested a figure of £82.68 per week rent. No services are provided at the property by the landlord.
3. Before inspecting the Property we had received the application for the registration of fair rent, a copy of previous Rent Officer inspection notes which were undated but appeared to be of some antiquity, being a mixture of typed and written, and a re-inspection sheet dated 18<sup>th</sup> June 2010. This latter document referred to changes since the last inspection on the 4<sup>th</sup> November 1999. We had market evidence provided to us by the Rent Officer Tracy Fileccia together with the Rent Officer's calculations and reasons for calculating the fair rent dated 11<sup>th</sup> June 2014. We also had the previous entry from the Rent Register recording the registered rent of £71 per week on the 15<sup>th</sup> June 2012 effective from 22<sup>nd</sup> June 2012, and a letter from Cynon Taf Community Housing Group dated 6th August 2014 providing information about repairs that had been undertaken and that were planned.

4. Before considering the matter further we visited the property and inspected it externally and internally in the presence of the tenant Mrs Jarvis, Mrs Tracey Huish, Housing Officer and Mr Gerwyn Fear, Maintenance officer of the Landlord. We also had the opportunity to view the surrounding locality.

## **THE INSPECTION**

5. The Property comprises a west facing semi-detached two storey end of terrace house, with a small forecourt having five steps leading to the front door. The property is cement rendered with a slate roof and has the benefit of Upvc windows and doors. The rear garden is at a higher level with a paved area and flower border together with a small brick built garden shed with rear pedestrian access via a bolted gate.
6. The accommodation on the ground floor comprises an entrance hall, lounge and kitchen/breakfast room. On the first floor there is a landing, two double bedrooms, a single bedroom and a bathroom consisting of a panelled bath, pedestal wash-handbasin and a WC. The property has the benefit of full gas central heating and has been maintained by the tenant to a high standard. The property benefits from open views both to the front and the rear. We were shown areas where there had been past water ingress around the front windows in the lounge.

## **THE HEARING**

7. Mrs Jarvis attended the hearing accompanied by her son Mr Andrew Jarvis. The landlord was represented by Mrs Sian Thomas, Housing Services Manager of Cynon Taf Community Housing Group. Mrs Jarvis described how she had suffered water ingress around the windows at the front of the house during rainy weather and estimated that this had been the case since winter 2011. She described how the landlord had attempted to patch repair this by spraying materials and so forth but that this had so far been unsuccessful. Mr Jarvis confirmed his mother's evidence as being correct. Mrs Thomas accepted the nature and the timescale of the water ingress problems described by Mrs Jarvis. She indicated that this is now part of a programme of planned maintenance and repairs to be undertaken in a block contract with approximately 20 other properties, rather than to be repaired as an individual property. The landlord had taken this approach owing to resources and economies of scale. Mrs Thomas indicated that the programme would start in "a couple of months" but she was unable to give precise evidence as to when the repairs were likely to be effected to the subject property.
8. Mrs Jarvis also described how she had not used her gas fire in the lounge for a period of eight years. She said that she had been told by a previous gas engineer sent by the landlord that the gas fire was obsolete and she said it had a sticker upon it warning her against using it. She then described how it had recently been serviced again and the engineer told her that she was able to use it. She described how the central heating is working but she believes that she still has the original boiler from when she commenced her occupation in 1985 or 1986. Mrs Thomas was surprised by this information stating in answer to a question from the Committee that so far as she was aware there had not

been complaints about the gas and the property had passed its gas safety check every year. However she did explain that the landlord has recently changed their contractor from Carillion to Liberty and this was the likely explanation for the different opinions of the gas safety engineers.

9. Mrs Jarvis also explained that when she moved into the property there were no carpets and curtains provided, no cooker and there were only very basic kitchen units (a sink unit, two cupboards and a worktop) and the basic bathroom. The wood flooring and the tiling that the Committee observed throughout the property (to a high standard) was work that Mrs Jarvis had undertaken. Mrs Jarvis said that she enquired about having a new kitchen in or around 2006. Mrs Thomas explained that there were no major renovation works planned for the property at all. She accepted that there was an old back Baxi boiler in the property and although the landlord aims to make all of their properties energy-efficient, as Mrs Jarvis' boiler was still working then replacement of the same was not a priority. She said that the landlord carries out a stock condition survey whereby major components are graded to decide what components need replacing. There are other properties within the landlord's portfolio that have more urgent need of upgrading of kitchens and bathrooms and therefore there is no current plan to upgrade these rooms. Mrs Thomas did confirm however that the pedestal wash hand basin in the bathroom had been recently replaced and her letter of the 6<sup>th</sup> August 2014 detailed other repairs that had been undertaken by the landlord.
10. The Committee invited any representations from both parties as to the market rent and the finding of the Rent Officer that the appropriate market rent would be £103.85 per week. The parties were likewise invited to comment upon the range of market rents for three bedroom properties in the area considered by the Rent Officer which ranged between £80.77 per week and £115.38 per week. In addition the Committee noted the particulars for a two bedroomed terraced house to rent in Bwllfa Road, available on the 'rightmove' website for £81 per week or £350 per calendar month and showed these to the parties. With regard to the latter property, Mrs Jarvis pointed out that from the particulars it was a refurbished property in good condition. Mr Jarvis explained that in Cwmdare, just on the other side from his mother's property is a new housing estate and this was an area that was in demand and that the new estate had an effect on rental prices in the area. Mrs Thomas did not make any submissions on the range of market rents referred to by the Rent Officer but said that the social housing benchmark rent for a three bedroom property would be £82.64 per week, whilst acknowledging that this was less than the market rent.
11. The Committee sought any representations from the parties on the question of scarcity and demand for three bedroom properties. Mrs Thomas stated that Cwmdare was one of the areas of highest demand in Rhondda Cynon Taf and agreed with Mr Jarvis's observations of the effect of the new estate in increasing demand adding that there were a lot of new builds in the area. Mrs Thomas also indicated that there was considerable demand for three bedroom properties in the Cwmdare area and a waiting list for the same. Those comments of course related to the social housing waiting list but the parties, whilst professing no expert knowledge, were also of the opinion that demand was high in the private rental market, particularly with the new build estate.

12. In concluding, Mrs Jarvis said that minor repairs on the property had been undertaken by her family and Mr Jarvis confirmed this to be the case, saying that it was easier for the family to fix things than to “go on a waiting list for two years”. However Mrs Jarvis said that she didn’t mind paying extra when the work was being done, but with regard to the water ingress in the front room, she had suffered this since winter 2011 and it had not been put right. Mrs Thomas said that the last registered rent was in 2012 and she felt that the rise appeared large because it had been a two year period, in contrast with, for example the landlord’s assured shorthold tenants who would have an annual increase.

## **DECISION**

13. In reaching our decision we consider the fair rent in accordance with section 70 of the Rent Act 1977 and the principles set out in applicable case law, and calculate the maximum fair rent in accordance with the relevant regulations. The rent registered is the lower of the two.

14. We carefully considered all of the evidence before us, both oral and written. We considered the question of scarcity which the Rent Officer had assessed at 10%. We are satisfied that for this type of property there is an element of scarcity but that on the evidence, 15% is the appropriate percentage reduction.

15. Taking into account all of the evidence, we agree with the Rent Officer that the market rent for a property of this type would be £103.85 per week upon the basis that a landlord would provide carpeting and curtains and with central heating and double glazing provided. We make adjustments to this figure to reflect that there are no carpets or curtains provided by the Landlord, that the bathroom and kitchen as let by the landlord were very basic. The Tenant has carried out considerable improvements during the course of the tenancy and we disregard these. We further note that there have been minor repairs that are agreed by the landlord and have been dealt with, and that there has been water ingress to the lounge in wet weather since the winter of 2011. This remains a current problem, and is acknowledged as such by the landlord. Although this is due to be dealt with on a planned maintenance programme, there is no certainty as to when that will be started or completed. It is therefore appropriate to make a further deduction in relation to the condition of the property related to the water ingress.

16. We therefore calculate the fair rent as follows:-

Market Rent	£103.85 per week
Less adjustments:	
Lack of central heating	£0.00
Carpets and curtains	£5.00
Basic kitchen/bathroom	£6.00
Condition	£2.00
	<u>£13.00</u>
<b>Adjusted Market Rent</b>	<b><u>£90.85</u></b>
Less scarcity @ 15%	£13.63
Fair Rent	<u>£77.22</u>
Say,	<b>£77.00</b>

17. We then considered the provisions of the Maximum Fair Rent Order. The Order does not apply if the fair rent of the property has increased by 15% or more of the previously registered rent due to repairs/improvements carried out by the Landlord since the last registration. There have been no such repairs or improvements. Our calculations were based on a last registered rent of £71 per week and an RPI at last registration of 241.80 and the current RPI of 257.00 with an enhancement factor of 0.05. The maximum fair rent therefore was £79.50 per week exclusive of council tax and water rates.

18. We therefore determine the rent to be registered, exclusive of rates and taxes, at **£77.00 per week**, it being the lower of the two assessments. We record that the date of our decision was the 19<sup>th</sup> September 2014.

DATED this 1<sup>st</sup> day of October 2014



CHAIRMAN