


**Rent Assessment Panel for Wales**

<b>Notice of the Rent Assessment Committee Decision</b>		File Reference Number: RAC/0016/02/18
Address of Premises 42 Five Locks Close Pontnewydd Cwmbran Gwent NP44 1DB	The Committee members were  Alison Scott Mark Taylor	
(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.	£ 175.50 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.	23.5.18	
(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: 23.5.18	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: N/A		

Y TRIBIWNLYS EIDDO PRESWYL

RESIDENTIAL PROPERTY TRIBUNAL (WALES)  
RENT ASSESSMENT COMMITTEE  
(Rent Act 1977)

**Reference:** RAC/0016/02/18

**Property:** 42, Five Locks Close, Cwmbran NP44 1DB  
**Landlord:** Melin Homes Ltd  
**Tenant:** Mr. D Cantelo

**TRIBUNAL** AVS Scott Chair  
Mark Taylor MRICS

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

1. We were duly convened as a Rent Assessment Committee on 23 May 2018 at the Property. We had before us a reference from the Rent Officers Wales. The Rent Officer had registered a rent of £178.50 per month exclusive of water charges on 30 January 2018, to take effect on 27 February 2018. The tenant had objected on 7 February 2018.
2. Ownership of the property is shared as to 50% by Melin Homes and 50% by the tenant, Mr. D Cantelo.

**THE INSPECTION**

3. An inspection was arranged for 10:15 on 23 May 2018 and took place in the presence of the tenant. The landlord did not attend.

**THE PROPERTY**

4. The property is a 2 storey semi detached house with mainly brick walls under a pitched tile roof with gas fired central heating and parking for one vehicle within the curtilage. It is situated within a residential housing development of similar houses. The plot is restricted in size with the ground level rising from the front garden to the rear garden which has an open aspect over fields. It comprises on the ground floor a living room, hallway, dining room and kitchen. The first floor has three bedrooms and a bathroom, the third bedroom being of a very small size. The velux windows and the front door and one bedroom window are the original timber, single glazed fittings with the tenant having replaced the back door, back and side windows and full height rain screen panels to the side elevation with uPVC. He has also replaced the bathrooms fittings. The kitchen is original.

**THE HEARING**

5. A hearing was held at the Parkway Hotel, Cwmbran, attended by the tenant. The landlord did not attend but submitted a letter in which it was pointed out that Melin Homes Ltd currently lets their 3 bed 5 person houses in Torfaen at a rent of £431.04. Melin Homes Ltd was responsible for repairs for such houses and therefore felt that £178.50 was an acceptable rent for a house of which they owned 50% but were not responsible for repairs.
6. The tenant had a number of objections to the rent registered. Firstly, his house had been assessed as a three bedroom house, when the third bedroom was not big enough for a bed and his sons had never used it, sharing a room instead. It was 40.5 square feet. He had only recently become aware of this point when the Council assessed his son's housing needs and measured the room, assessing it as not fit for an adult room. The tribunal noted the Council were assessing whether the tenant's son was homeless, not the market rent for premises subject to the Act.
7. His second objection was because the calculation was based on the Retail Prices Index (RPI). At a previous rent assessment hearing he had been told that there was no direct link between rent and the RPI. He handed to the tribunal a copy of this decision made in 2000. The tribunal explained that the maximum fair rent (MFR) was calculated by reference to the RPI so that the rent could not be increased by more than the MFR. The MFR had not been applied in the rent registered.
8. His third point was that his rent should not be assessed by references to rentals obtained in the open market but by reference to rents set by local Housing Associations. However, he was not able to offer any evidence of what such rents were, nor was he able to offer any evidence of market rents.

9. The tenant also pointed to the fields behind his house. There was a plan for development of a road which would be 20 metres from the back of his garden. The tribunal did not consider this would affect the market rent of the property. However, if these plans are implemented then it may well be a relevant factor at any future assessment of the market rent.
10. The tenant's final objection was in respect of the allowance made by the Rent Officer for scarcity. He had looked on Zoopla and there were 25 houses for rent in Cwmbran. He asserted there was no scarcity. The Committee explained scarcity was a reflection of a wider area than Cwmbran and his argument would support an increase in the rent. The tenant withdrew his objection on this ground.

#### THE COMMITTEE'S FINDINGS

11. The committee had to determine the fair rent, having regard to section 70 of the Rent Act 1977 which provides that regard shall be had to all the circumstances, and in particular, the age, character, locality and state of repair of the dwelling house. The Committee also had to calculate the maximum fair rent in accordance with the Regulations. Where the maximum fair rent applies, the rent registered is the lower of the fair rent and the maximum fair rent. The committee, from its knowledge of rents in the area, considered that a market rent of £575 per month was reasonable. It was apparent from the inspection that the property had the benefit of gas central heating and a kitchen so that the only adjustment was in respect of carpets, curtains and double glazing. The Committee adjusted the rent figure by £30 and £20 respectively to allow for these. The Committee also had to adjust the market rent to allow for matters which have to be disregarded under the Act, including scarcity which the Committee assessed at 20%. The Committee calculated the fair rent to be £420.
12. The figure has to be further adjusted due to the tenant's 50% share of the equity (the tenant being liable for internal repairs). The Committee deducted £90 in respect of the tenant's full repair liability and net £21 in respect of insurance arranged by the landlord to reflect the respective 50% equity share. The fair rent to be registered was thus £175.50.
13. The Committee calculated the maximum fair rent to be £184.50, using a present RPI of 278.3, an RPI for the month of last registration of 258.8 and an enhancement value of 0.05. A summary of both calculations is attached.

Signed



Chair  
This 18<sup>th</sup> day of June 2018