

Notice of the Rent Assessment Committee Decision and Register of Rents under Assured Periodic Tenancies (Section 14 Determination)

Housing Act 1988 Section 14

Address of Premises

5 Yr Hen Sgubor, Cambrian street, Aberystwyth , SA23 1NL

The Committee members were

Mr A Grant – Chairman
Mr H Lewis - Surveyor

Landlord

Cymdeithas Tai Cantref CYF

Address

Lys Cantref , Church Street , Newcastle Emlyn , SA38 9AB

Tenant

Ms P Ong

1. The rent is:

£72.15

Per

week

(excluding water rates & council tax but including any amounts in paras 3&4)

2. The date the decision takes effect is:

6th April 2015

*3. The amount included for services is

Nil

Per

*4. Services charges are variable and are not included

5. Date assured tenancy commenced

6th April 2006

6. Length of the term or rental period

weekly

7. Allocation of liability for repairs

Landlord

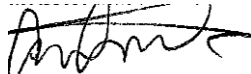
8. Furniture provided by landlord or superior landlord

None

9. Description of premises

A one bedroom flat with one living room , kitchen and bathroom/ W.C within purpose built block.

Signed by the Chairman of the Rent Assessment Committee.



Date of Decision

04.06.2015

Y TRIBIWNLYS EIDDO PRESWYL
RESIDENTIAL PROPERTY TRIBUNAL
RENT ASSESSMENT COMMITTEE
(HOUSING ACT 1988)

Reference: RAC/0003/04/15

Property: 5 Yr Hen Sgubor, Cambrian Street, Aberystwyth, SA23 1NL

Landlord: Cymdeithas Tai Cantref CYF

Tenant: Ms P Ong

Committee: Chairman – Mr A R Grant
Surveyor – Mr H Lewis

Reasons for Decision of Rent Assessment Committee

1. We were duly convened as a Rent Assessment Committee under the provisions of the Housing Act 1988. We met at number 5 Yr Hen Sgubor, Cambrian Street, Aberystwyth, SY23 1NL (“the property”) on the 19th May 2015.
2. The landlord of the property is Cymdeithas Tai Cantref. The tenant is Ms P Ong. The property is occupied under the terms of an Assured Tenancy agreement dated the 10th April 2005 and which commenced on the 6th April 2006.
3. By way of a letter dated the 24th February 2014 the landlord wrote to the tenant informing the tenant of the landlord’s intention to increase the weekly rent from £68.63 to £72.47 which together with the service charge gave a new weekly rent of £81.09. Although dated 24th February 2014 it appears that the letter contains a typographical error and should have been dated the 24th February 2015 as on the 26th March 2015 the Tribunal received an application from Ms Ong to determine the rent.
4. Prior to the hearing, we inspected the property both internally and externally. In attendance was Ms Ong. No one from the landlord organisation attended the inspection.

The Inspection

5. The property comprises a purpose built self contained flat forming part of a mixed redevelopment of housing, retail and office accommodation situated between Cambrian Street and Alexandra Road, close to the centre of Aberystwyth.
6. The flats have frontage to Cambrian Street and comprise self contained apartments arranged over a three storey building with integral passageway providing vehicular access and parking spaces for the development.
7. The construction is of modern timber framing with brick faced elevations under a pitched roof, clad in a composite slate tile.
8. The accommodation is arranged on the third floor, approached over a communal staircase and shared lobby and comprises entrance Hall, store and meter cupboard, living room, kitchen, bedroom and bathroom with W.C
9. The general condition of the property was consistent with its age and type of construction. Internal presentation was considered satisfactory.
10. The property had been let unfurnished. The carpets in the property had been supplied by the tenant.
11. Internally, the property appears free from major defects or essential repairs. Minor defects were present such as historic leakage to the soil vent pipe in the bathroom, Staining and peeling paint work to the soil vent pipe boxing, cracking around the soil vent pipe boxing and draught proofing to living room window had failed.
12. Externally, the maintenance of the communal areas was less than might be expected in a development of this type. The entrance lobby and stairwell did not appear to have been recently cleaned, the carpet was stained, vegetation was growing at the base of the external walls and the external waste bin area was poorly maintained. There was evidence of fly tipping of furniture in the communal drying area.

The Hearing

13. The tenant indicated that she required an oral hearing.
14. At the hearing the tenant presented her own case. The landlord did not attend but submitted written representations dated the 17th April 2015.
15. At the start of the hearing the tenant handed to the Tribunal various documents consisting of a letter from Cantref dated the 18.02.2013, a document headed "Student accommodation £99" and a document headed "Prime location ". The tenant submitted that the latter two documents were submitted as evidence of comparable rental values.

16. After consideration the Tribunal decided to allow the introduction of this evidence.
17. The tenant submitted that the proposed increase was above the rate of inflation. Ms Ong stated that although the rent goes up every year the landlord did not do its job. They did not maintain the property as they should do. She stated that the increase was just to follow government guidance.
18. Ms Ong went on to say that the rent charged by the landlord for 2 bedroom properties was not much higher than what she was being charged for her own 1 bedroom property.
19. It was further submitted by the tenant that the landlord was supplying student accommodation that was fully furnished. She said that the rent for those properties was not much higher than her own.
20. The tenant went on to say that the comparable evidence which she had handed to the Tribunal showed that the proposed rent increase was not in line with rents for other similar properties in the area.
21. Finally, she made the submission that rents in the area were generally going down and not up and that the current proposed increase was not in line with the trend for the local area for properties of this type.

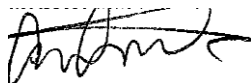
The Law

22. In reaching our decision regard has been paid to the provisions of sections 13 and 14 of the Housing Act 1988.
23. Section 13 of the Housing Act 1988 requires that before increasing the rent the landlord must serve a written notice of increase in the form prescribed by the regulations. The notice must be signed by the landlord and served upon the tenant.
24. In order to prevent the proposed increase taking effect the tenant must make an application to the Tribunal in the prescribed form. The application must be received by the Tribunal to determine the rent before the date specified in the notice as the effective date.
25. The rules governing how the Tribunal determine the proposed rent increase are contained in s.14 of The Housing Act 1988. We are required to consider the rent at which the property could reasonably be expected to be let in the open market by a willing landlord where the periods and terms of the tenancy are the same as the subject property (save for those relating to rent level).
26. The Tribunal is required to disregard any increase or decrease in the value of the property caused by improvements made by the tenant or any failures by the tenant to adhere to the terms of the tenancy.

The Decision

27. We considered the points made by the tenant at the hearing. We also considered the documents that were provided to us. We considered the written representations made by the landlord.
28. The evidence supplied by the tenant as to comparable properties was of little assistance as they were not truly comparable. The landlord supplied no comparable evidence at all.
29. The Tribunal, having considered the evidence and using its own knowledge and experience, determined that a property such as the subject property could achieve a rent of £72.15 per week. The decision has taken into account the deficiencies which have been highlighted above and noted during the inspection. Those items would have a detrimental impact upon the property's appeal to prospective tenants and would adversely affect the rent achievable upon the open market.
30. We therefore determine the rent at £72.15 per week which, together with the current service charge of £8.62 amounts to a weekly payment of £80.77 effective from the 6th April 2015. We were not satisfied that applying the new rent from the date set out in the Landlords notice would cause undue hardship to Ms Ong (per section 14(7) Housing Act 1988).

Dated this 4th day of June 2015



Chairman