


## Rent Assessment Panel for Wales

<b>Notice of the Rent Assessment Committee Decision</b>		File Reference Number: RAC/0038/11/14
Address of Premises  59 Stanley Street Senghenydd Caerphilly CF83 2AX	The Committee members were  Paul Williams Nicholas Hill 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.	£93:00 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.	6 <sup>th</sup> January 2015	
(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>6<sup>th</sup> January 2015</u>	<div style="text-align: right;">             Chairman         </div>	
<p><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></p>		
(8) The uncapped fair rent was: £100.00 per week		

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

**Reference** RAC/0038/11/14

**Property:** Number 59 Stanley Street Senghenydd Caerphilly CF83 4HS

**Landlord:** United Welsh Housing Association

**Tenant:** Mrs P A Channon

**COMMITTEE:** Chairman; P H Williams  
Surveyor; NFG Hill, FRICS

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

**The Reference**

We were duly convened as a Rent Assessment Committee on the 6<sup>th</sup> January 2015. We had before us a reference from the Rent Officer. The Landlord had appealed a fair rent of £88.50p a week determined by the Rent Officer on the 30<sup>th</sup> September 2014, effective from that date, the previous fair rent of £83.50p having been registered on the 19<sup>th</sup> July 2012.

**The Inspection**

Prior to the Hearing we inspected the Property and we also had the opportunity of viewing the immediate locality. The Tenant was present at the inspection.

The Property was built circa 1900 and is a two storied mid terraced dwelling constructed in stone and brick and with a slate roof. There was no forecourt and the Property abutted the highway. There was a steep rear garden leading to a gate and a tarmacadamed rear lane. The only parking was on the highway to the front.

The accommodation on the ground floor consisted of an entrance porch with vestibule, two living rooms and a Kitchen. The first floor comprised a landing with an airing cupboard which housed the Worcester boiler and three bedrooms and a Bathroom , which contained a bath, wash hand basin and water closet. There was a shower over the bath.

The Property benefited from a full gas central heating system and the said boiler heated the system and also provided domestic hot water.

The state of repair was satisfactory and consistent with the age of the property, although we did note a plaster crack in Bedroom 2.

The Tenant had carried out a number of improvements over the years. She had laid all the floor coverings in the Property with the exception of the Kitchen. An electric fire had been fitted in the sitting room and a shed had been installed in the rear garden. She had also installed a glazed door in the hallway to create a vestibule and had artexed both living rooms and added a power point in the hallway.

The Landlord had also improved the Property. It had replaced the external doors, installed Double Glazed windows throughout and refurbished the Kitchen to include work surfaces, wall and floor cupboards, partially tiled the walls and laid the floor covering. It had also installed the Gas Central heating system, including the boiler, and also upgraded the Bathroom and added a shower over the bath. The Tenant advised that the Bathroom and Kitchen works had taken place within the last two years.

In accordance with Section 70(3) of the Rent Act 1977 we have disregarded the Tenant's improvements in determining the fair rent.

We also noted that the Rent Officer had not inspected the Property since August 2006 and there is a distinct possibility that he was unaware of these considerable improvements carried out by the Landlord, as the Landlord did not refer to same in its Application Form.

The property is in an elevated position in a residential area with a good view to the surrounding countryside, over similarly styled dwellings. Senghenydd is a good sized village with reasonable urban amenities and facilities, including a regular bus service.

## **The Hearing**

The Hearing was by way of written representations. The Landlord has stated that other properties in the same area, and of similar size, have rents of £97.34p a week and it calculated that the Maximum Fair Rents for those properties were £92.50p per week and accordingly higher than the registered rent for the Property. Unfortunately, no details were given of any comparable properties and nor could we be certain that the Landlord was referring to fair rent properties as opposed to assured rented properties. Accordingly we cannot treat their comparisons as comparable properties. The Tenant agreed with the Rent Officer's assessment and expressed her opinion that her Landlord does little to help her. We do not understand her opinion as the Landlord has carried out considerable improvements to the Kitchen and refurbished the Bathroom in recent times. Whilst the Tenant has also improved the Property, and which improvements we have disregarded in calculating the rent, the nature of the improvements are not such as to result in an appreciable reduction in the rent.

## Scarcity

We agree with the Rent Officer that there is an element of scarcity in the locality and we concur that a 10% reduction is the correct percentage. In accordance with Section 70(2) of the Rent Act 1977 we have disregarded this element in calculating the fair rent.

## Market Value

We note that the Rent Officer has adopted an open market rental value of £114.23p a week which is at the lower end of the scale shown in his Market Evidence that he has produced. We consider that it should be more in the middle range given the refurbished Kitchen and Bathroom and we assess same at £125.00p a week.

## Responsibility for Repair

The responsibilities are set out in Section 11 of the Landlord and Tenant Act 1985 with the Landlord being responsible for external repair and decoration and with the Tenant being responsible for internal decoration

## Decision

The Property is a mid terraced dwelling with three bedrooms and in reasonable repair. It is in an elevated position and has been improved by the Landlord since the date of the last inspection.

We determine that the open market value of the Property is £125.00p a week but on the assumption that it is in good repair, has central heating, a modern Kitchen and Bathroom, and is fitted with carpets and curtains. We accordingly have made a deduction for the fact that the Property is only in reasonable repair, as opposed to good repair, primarily because of its age. We have also made a deduction for the absence of carpets and curtains, although we have reduced the Rent Officer's deduction of £12 to £10, in part because the Landlord had laid the new Kitchen flooring.. Our calculation is as follows :-

Market Value			£125.00
Less Adjustments	Carpets and Curtains	£10.00	
	Condition	<u>£4.00</u>	<u>£ 14.00</u>
	Adjusted Market Rent		£111.00
	Deduct for Scarcity at 10%		<u>£ 11.10</u>
	Fair Rent – SAY		<u>£ 99.90</u>
			<b><u>£100.00p</u></b>

We then considered the provisions of the Rent Acts (Maximum Fair Rents) Order 1999 and found that it did apply. Our reason is that, despite the Landlord's improvements, we did not find that the rent at the date of the last registration would have been at least 15% less.

We accordingly determine that the Fair Rent for the Property is £93.00p a week exclusive of rates and that the uncapped fair rent was £100.00p a week

This Committee made its decision on the 6<sup>th</sup> January 2015.

Dated this 14<sup>th</sup> day of January 2015

A handwritten signature in black ink, appearing to read "P. H. W. M. J.", is written on the document.

Chairman