

Rent Assessment Panel for Wales

Notice of the Rent Assessment Committee Decision		File Reference Number: RAC/0013/10/15
Address of Premises 80 Pendre Avenue, Rhyl LL18 4NQ	The Committee members were Trefor Lloyd David K Jones 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.	£257.50 per Calendar 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.	25 th November 2015	
(3) The rent is not to be registered as variable.		
(4) The amount for services is:	NIL	
(5) The amount for fuel charges (excluding heating and lighting of common parts) not counting for rent allowance is:	NIL	
(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: 25 th November 2015	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: £271.68 Per Calendar Month.		

TRIBIWNLYS EIDDO PRESWYL
RESIDENTIAL PROPETY TRIBUNAL
RENT ASSESSMENT COMMITTEE

Reference: RAC/0013/10/15

Property: 80 Pendre Avenue, Rhyl, LL18 4NQ

Landlord: Clwyd Alyn Housing Association

Tenant: Mrs Mortiss

Committee: T Lloyd, Chairman
D K Jones FRICS, Surveyor

Reasons for the Decision of the Rent Assessment Committee

1. We were duly convened as a Rent Assessment Committee on 25th November 2015 under the provisions of the Rent Act 1977.

The Reference

2. We had before us a reference from the Rent Officer (Wales) in respect of 80 Pendre Avenue, Rhyl (“the Property”). The Tenant had appealed a rent of £257.00 per calendar month determined by the Rent Officer and effective from 5th August 2015.
3. As a result of the Tenant objecting to the registration the matter was referred to this Committee.
4. Clwyd Alyn Housing Association (“hereinafter referred to as the Landlord”) has made an application dated 17th June 2015 for registration of a fair rent of £308.45
5. The Rent Officer proceeded to determine the fair rent as £257.00 per calendar month.
6. By way of letter dated 17th August 2015, Mrs M J Mortiss (“hereinafter referred to as the Tenant”) objected to the registration and accordingly the matter was referred to this Committee, the Tenant having elected for the matter to proceed by way of written representations.

The Inspection

7. The Committee inspected the Property on the morning of 25th November 2015. The inspection took place in the presence of the Tenant.
8. The Property is located in the town of Rhyl, a well established resort town on The North Wales Coast. It is known for its tourists facilities along with its retail facilities that include The White Rose Centre, Clwyd Retail Park and a number of multiple Traders and Supermarkets. The town’s residential population is around 25,000, there is a

mainline railway station, direct access to the A548 Coast Road and the A55 is within 5 miles.

9. The Property is situated in Pendre Avenue, which is a made up and adopted road located about a mile south of the town centre within a well established residential area.
10. The Property comprises a detached bungalow with brick and block elevations under a concrete tiled main roof being approximately 30 years old. The property has UPVC framed double glazing, is connected to mains services and has a gas fired central heating system.
11. The accommodation consists of: Entrance Hall, Lounge, Inner Hall, Fitted Kitchen, Conservatory off, Shower Room, Bedroom 1 (Front) and Bedroom 2 (Rear), To the exterior are gardens to the front and rear along with a single, block built Garage.
12. The Property is well maintained by the Tenant, and is in good decorative order overall.

The Hearing

13. At the hearing consideration was given to the written representations made by the Tenant.

The Decision

14. As referred to above the parties did not request a hearing. We reached our decision based upon our inspection of the Property and upon the information before the Committee, including the Rent Officer's working papers, a copy of the Rent Register, the Application dated 17th of June 2015, the Tenant's letters dated 17th August 2015, 9th September 2015, 11th October 2015 and the responses by the Landlord as regards the repairing obligations placed on the tenant by virtue of the terms of the lease.
15. The Committee is required by Section 70 of the Rent Act 1977 to disregard the personal circumstances of the parties, any disrepair or other defects ascertainable to a failure by the Tenant under the terms of the Tenancy and any improvements carried out by the Tenant other than as required by the Tenancy.
16. The Committee is also required to have regard to the Rent Acts (Maximum Fair Rent) Order 1999 (the Maximum Fair Rent Order), which places a cap on the permissible amount of increase of fair rent between one registration and a subsequent registration. The cap is based upon the amount of increase in the Retail Price Index between the dates of the respective registrations.
17. The starting point for assessing a fair rent under Section 70 of the Rent Act 1977 is to establish the market rent for the Property. Thereafter a number of adjustments are made to reflect the requirements of Section 70 of the Rent Act 1977.
18. Neither Landlord or Tenant provided evidence as to rent of other similar properties in the locality. The Rent Officer provided a list of rented properties in predominantly Rhyl East with two comparables from the nearby town of Bodelwyddan. The comparables were a mixture of detached and semi-detached bungalows, two semi-detached houses, one terrace house and one self contained flat, none of which were furnished. The Committee mindful of the comparables presented utilised its own experience and

expertise and, having regard to all the requirements of Section 70 of the Rent Act 1977, agree with the Rent Officer and consider that the market rent for the Property is £525.00 per calendar month.

19. Whilst we were told that the Tenant had upgraded and improved some of the floor finishes, and installed a new central heating boiler in the past, bearing in mind the Tenant is responsible for all repairs it was not deemed appropriate to make any adjustment in that regard.
20. As regards scarcity, the Rent Officer made a deduction and we agree with his view that the appropriate deduction is 15%, which also accords with other Tribunal decisions in the area.

Calculations in Respect of the Decision

21. Applying the above findings and conclusions we determine the fair rent as follows:

Market rent (per calendar month)	£525.00
Less adjustments	£ 3.92
Adjusted market rent	<u>£521.08</u>
Deduction for scarcity at 15%	£78.16
Deduction for Tenant's repair liability	£89.25
Deduction for Management Administration and Insurance	£25.68
Sub Total	£327.40
Less 25% Tenant Equity	£ 81.99
Add Back Management Administration and Insurance	£25.68
Fair Rent	£271.68

22. The Tenancy is subject to the Rent Act (Maximum Fair Rents) Order 1999. The maximum fair rent under this order is capped at £257.50. Our calculation is set out in the attached Schedule.
23. Accordingly as the order applies we record that the fair rent for the Property is £257.50 per calendar month.
24. For the purposes of the Rent Act 1977 (as amended) it is recorded that the decision was made on the 25th November 2015.

Dated this 30th day of November 2015

A handwritten signature in black ink, appearing to read 'M. W. J.', with a horizontal line underneath the name.

CHAIRMAN