

Rent Assessment Panel for Wales**Notice of the Rent Assessment
Committee Decision**File Reference Number:
1030618Address of Premises
Glebeland Cottage
Llanellen
Abergavenny
NP7 9HFThe Committee members were
P H Williams
R W Baynham(1) The Committee has decided that the rent for the
above premises is:

£339.50 per calendar month

The new rent will be entered by the rent officer in the
rent register.(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.30th October 2012

(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: 30th October 2012

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: £

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RESIDENTIAL PROPERTY TRIBUNAL (WALES)

RENT ASSESSMENT COMMITTEE

Reference File Number 1030618

In the Matter of Glebeland Cottage Llanellen Abergavenny Monmouthshire NP7 9HF

Committee Chairman P H Williams
Surveyor R Baynham

Tenant David Mervyn Hughes

Landlords Personal Representatives of Daniel Jones deceased

We were duly convened as a Rent Assessment Committee at Abergavenny Monmouthshire on the 30th October 2012. We had before us a reference from the Rent Officer, the Tenant having appealed the decision

The Reference

The Landlords applied on the 2nd May 2012 for the Property to be re-registered at £450 per calendar month. It then stood at £299.50p. The Rent Officer registered a new fair rent on the 13th July 2012 effective from the 26th August 2012 at £338.50p. Had it not been for the provisions of the Rent Acts (Maximum Fair Rent) Order 1999 (hereafter called the Order) the fair rent would have been £340 per calendar month.

The Inspection

The Committee inspected the Property in the presence of the Tenant and his wife. The Property is semi-detached and built circa 1935. The ground floor has an entrance hall, 2 living rooms, a kitchen, a pantry and an outside Water Closet and Coalhouse, currently used for storage. The Property benefits from a Gas Flo Central Heating system. There are garden areas to the front, side and rear. In the rear garden is a greenhouse and there is a tarmac driveway leading to a corrugated metal garage at the side of the Property. The first floor comprises 2 double bedrooms and a single and there is a bathroom comprising a bath with shower, wash hand basin, and water closet. The Property is constructed in brick and render with a slate roof, and has mains electricity, water and drainage. The windows to the Property are single glazed.

The Tenant has kept the interior of the Property in very good order. He has also carried out a number of improvements. He installed the Gas Central Heating system, all the kitchen and wall units, replaced the Landlords' original sink unit, built work tops and widened the entrance from the hallway into the kitchen to enable his white goods to be introduced and rewired in the kitchen area. The remaining wiring appears to be the original. In view of the central heating he has removed the Landlords' original boiler for heating the water system. He has introduced polystyrene ceilings throughout and advised us that this was partially because of ceiling cracks. Whilst we accept that he is probably correct, we are unable to verify his statement. The Tenant has also improved the bathroom by replacing the original bath, wash hand basin and water closet. He installed the shower, has partially tiled the bath surround and installed a wall heater. He also installed the greenhouse and laid the tarmac driveway and hardstanding.

The exterior of the Property is in poor condition. The render to the front shows cracking, although there is evidence of some repair. The cracking of the render to the rear is severe and sections have fallen off. The guttering is in very poor condition although the Tenant has carried out some repairs himself. Some of the windows had been replaced about 20 years ago but those that had not been replaced were in poor order and in need of repair or replacement. The exterior of the Property had clearly not been painted for many years and was in need of decoration. The fascia and soffits were also in poor condition and in need of repair or replacement. The garage was in very poor condition and needs replacement. The outside water closet and coalhouse, currently used for storage, were in a dangerous condition as there has been structural movement away from the main structure. Further, the doors and ceilings to these buildings were in very poor order. The result is that these buildings were not only hazardous but positively dangerous. In summary the general structural condition is very poor indeed.

The Property is situated in a rural location about half a mile from the village of Llanellen. Llanellen is a small village with limited amenities but is on a bus route and has a post office, a shop and a Church. The Property is about two and a half miles from the centre of Abergavenny. Abergavenny is a good sized town with all usual urban amenities including a rail service.

The Hearing

The hearing was by way of written representations. The Tenant states that he has maintained the interior of the Property in good order, which indeed he has. He has also tackled some of the exterior repairs which are the responsibility of the Landlords and is concerned that the Landlords do not respond to his complaints about the condition of the exterior. He has identified the majority of the defects in his representations. He has stated that if the Landlords had complied with their responsibilities then he would have accepted the revised fair rent but that in the circumstances he felt that there should not be any increase. We note that the majority of the above disrepair was identified in the Rent Officer's inspection in 1996. Messrs Morgans, the Landlords' solicitors state that the lowest market rent for NP7 appeared to be £525 per calendar month and that the Landlords were only seeking £450 but they do not comment on the statutory disregards such as scarcity.

The responsibility for external repairs and the exterior decoration is that of the Landlord and the Tenant is responsible for interior decoration in accordance with the Landlord and Tenant Act 1985.

The Rent Officer has assumed a market rent of £575 per calendar month and then made appropriate deductions for disrepair and scarcity in accordance with the Rent Acts. We consider that the Rent Officer is correct in deciding on an open market rent of £575 as Abergavenny is a desirable residential area. This Committee is subject to the same constraints as the Rent Officer by reason of the Rent Act 1977 as amended. In addition we are prevented from taking the personal circumstances of either the Tenant or the Landlords into account. We understand that the Tenant is concerned over the level of increase but the fact remains that rental values are rising as the demand is increasing. The government recognised this problem and in 1999 brought in the Order which creates a cap. This cap reduced the rent by £1.50p. Unfortunately for the Tenant the Retail Prices Index has also increased since the Rent Officer determined the fair rent and this will impact on our own calculations. As regards the Tenant's improvements we have disregarded same in accordance with Section 70 (3) of the Rent Act 1977 and hence the improvements are not taken into account in assessing the fair rent.

Our Findings

The Property is a 3 bedroomed semi-detached property with the exterior being in a very poor condition and with one dangerous element.

Scarcity

The Rent Officer has assessed scarcity at 20%. We also consider that the demand for rented property in Llanellen exceeds the supply and we agree with the percentage. In accordance with Section 70 (2) of the Rent Act 1977 we have disregarded this element.

Decision

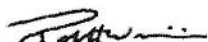
We find that the market rent for the Property, in good condition and with central heating, double glazing, carpets and curtains and a modern kitchen and bathroom is £575 per calendar month. As the Tenant installed the central heating, provided the carpets and curtains, and installed a modern kitchen and bathroom we have adjusted the market rental figure as below.

Market Rent		575.00
Less adjustments		
Absence of central heating	30.00	
Absence of carpets and curtains	30.00	
Basic bathroom and kitchen	30.00	
Condition	30.00	
Absence of double glazing	<u>20.00</u>	<u>140.00</u>
		435.00
Scarcity at 20%		<u>87.00</u>
	Fair Rent	<u>£348.00</u>
	Maximum Fair Rent	<u>£339.50p</u>

We then considered the Order and concluded that it did apply. We accordingly determine that the Fair Rent shall be £339.50p exclusive of rates and water rates

For the purposes of Section 70 (1) of the Rent Act 1977 (as amended) it is recorded that this Committee made its decision on the 30th October 2012

Dated this 13th day of November 2012-11-13



CHAIRMAN

