

**Rent Assessment Panel for Wales**

<b>Notice of the Rent Assessment Committee Decision</b>		File Reference Number: RAC/0006/06/15
Address of Premises  4 Lon Y Porthmyn Caerwys Mold CH7 5AP	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.	£155.50 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.	8 <sup>th</sup> September 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: 8 <sup>th</sup> September 2015	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: £172.93 Per Calendar Month.		

**Y TRIBIWNLYS EIDDO PRESWYL**  
**RESIDENTIAL PROPEY TRIBUNAL**  
**RENT ASSESSMENT COMMITTEE**

Reference: RAC/0006/06/15

Property: 4 Lon y Porthmym, Caerwys, Mold, CH7 5AP

Landlord: Clwyd Alyn Housing Association

Tenant: Miss M N Carr

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 8<sup>th</sup> September 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 4 Lon Y Porthmym, Caerwys, Mold (“the Property”). The Tenant had appealed a rent of £155 per calendar month determined by the Rent Officer and effective from 11<sup>th</sup> May 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”) had made an application dated 13<sup>th</sup> March 2015 for registration of a fair rent of £111.06. The application referring to the previously registered rent of £94.81. Despite what was contended for by the Landlord it became apparent that the previous fair rent having been registered on 17<sup>th</sup> October 2012 and effective from the 8<sup>th</sup> December 2012 was £141 per calendar month.
5. The Rent Officer proceeded to deal with the question of rent based upon the actual registered rent of £141 and determined the fair rent as £155.
6. By way of letter dated 19<sup>th</sup> May 2015, Miss M N Carr (the Tenant) objected to the registration and accordingly the matter was referred to this Committee. The Tenant electing for the matter to proceed by way of written representations.

**The Inspection**

7. The Committee inspected the Property on the morning of 8<sup>th</sup> September 2015. The inspection took place in the presence of the Tenant.
8. The Property is located in the village of Caerwys, which is in a semi-rural location although only 2 miles south of the A55 Expressway. Nearby centres of Holywell and Prestatyn are some 5 miles away. The village of Caerwys is mainly a dormitory nature, although it does have a selection of shops, a veterinary surgery and nearby caravan park and golf course.

9. The Property is located on Lon y Porthmym, which is an adopted highway located just short of the village centre and provides access along its length for mainly residential properties.
10. The Property is a mid-terraced house located in a terrace of 5 properties. The Property has rendered elevations under a slate clad roof, together with UPVC framed double glazing. It has mains water, drainage, electricity and is heated by virtue of a number of electric storage heaters. There is no mains gas connection to the village of Caerwys.
11. The accommodation afforded in the Property consists of Ground floor: entrance hall, living room and kitchen/diner. First floor: landing, bathroom, bedroom 1 (front), bedroom 2 (rear). Exterior: pedestrian access to front door. Small rear yard area. The Property also benefits from shared parking area off the highway to the right hand end of the terrace.
12. The Property is well maintained by the Tenant and is in good decorative order throughout.

### **The Hearing**

13. The hearing was by way of written representations. At the hearing consideration was given to the representations made by the Tenant in respect of the anomaly between the registered rent and the amount of rent she was actually paying.
14. As a result of an earlier hearing having to be cancelled due to the Tenant not having received notification, an opportunity had arisen to make enquiries of the Landlord as regards the position in the light of the anomaly between the earlier registered rent and the actual sum payable by the Tenant per calendar month, and also the reason for the sum contended for by the Landlord by way of the further registration of a fair rent.
15. The Landlord responded by e mail explaining that due to the way in which it had previously implemented increases in fair rents an anomaly had arisen and rather than exposing its Tenant to the full extent of the registered rent as determined, it was agreed that the said rent would be phased in over a 2 year period.
16. At the inspection, the Tenant confirmed she had received subsequent correspondence from the Landlord to this effect and that she understood the position.

### **The Decision**

17. As referred to above the parties did not request a hearing and 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 13<sup>th</sup> March 2015 and the responses by the Landlord as regards the position in relation to the initial rent contended for.
18. 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.
19. 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.

20. 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.
21. 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 Mold with one comparable from Holywell. All the comparables were flats as opposed to houses. Accordingly, the Committee utilised its own experience and expertise and having regard to all the requirements of Section 70 of the Rent Act 1977 considered that the market rent for the Property is £475 per calendar month.
22. Whilst we were told that the Tenant had upgraded the kitchen and improved some of the floor finishes and also in the past installed UPVC glazing, bearing in mind the Tenant is responsible for all repairs it was not deemed appropriate to make any adjustment in that regard.
23. 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**

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

Market rent (per calendar month)	£475
Less adjustments	
Landlord's administrative cost	£3.92
Adjusted market rent	<u>£471.08</u>
Deduction for scarcity at 15%	£70.66
Deduction for Tenant's repair liability	£80.08
Deduction for Management Administration and Insurance	£25.51
Sub Total	£294.83
Less 50% Tenant Equity	£147.42
Add Back Management Administration and Insurance	£25.51
Fair Rent	£172.93

25. The Tenancy is subject to the Rent Act (Maximum Fair Rents) Order 1999. The maximum fair rent under this order is capped at £155.50. Our calculation is set out in the attached Schedule.
26. Accordingly as the order applies we record that the fair rent for the Property is £155.50 per calendar month.

27. For the purposes of the Rent Act 1977 (as amended) it is recorded that the decision was made on the 8<sup>th</sup> September 2015.

**Dated this 15<sup>th</sup> day of September 2015**

A handwritten signature in black ink, appearing to read 'R. Wray', written over a horizontal line.

CHAIRMAN