Y TRIBIWNLYS EIDDO PRESWYL

RESIDENTIAL PROPERTY TRIBUNAL

RENT ASSESSMENT COMMITTEE
(Housing Act 1988)

Reference: RAC/0025/02/17 Swn-y-Nant

Property: Swn-y-Nant, Nantyglyn Road, Glanamman, SA18 2YT

Landlord: Ronnie Carroll

Tenants: Arron & Suzzanne Cooper

Committee: S A Povey
P Tompkinson

THE DECISION

The rent for Swn-y-Nant, Nantyglyn Road, Glanamman, SA18 2YT remains at £950 pcm.

REASONS FOR THE DECISION

Background

1. Ronnie Carroll is the owner and landlord of Swn-y-Nant, Nantyglyn Road, Glanamman, SA18 2YT ('the property'). The joint tenants are Arron and Suzzanne Cooper. The property was let under an assured shorthold tenancy for an initial fixed term from 16th September 2016 until 16th March 2017. The rent under the tenancy was £950 pcm.

2. By an application dated 12th February 2017 (and received by the Tribunal on 15th February 2017), Mr & Mrs Cooper applied to have the rent determined by the Tribunal under section 22 of the Housing Act 1988 ('HA 1988'). The Tribunal issued case management directions on 17th February 2017 and the inspection and hearing took place on 16th May 2017.

The Inspection & Hearing

3. The Tribunal inspected the property in the presence of Mrs Cooper. Mr Carroll attended at the property on the morning of the inspection (accompanied by Kelly Chapman-Knight of Keys Property Management) but was refused entry to the property by Mrs Cooper. Mr Carroll indicated that he was content for the Tribunal to inspect the property in his absence.

4. In contrast, Mrs Cooper informed the Tribunal that neither she (nor her husband) intended to attend the hearing which followed the inspection. The Tribunal heard

submissions only from Mr Carroll and Ms Chapman-Knight. In addition, we afforded Mr & Mrs Cooper further time to respond in writing to Mr Carroll's written response to their application, which they did by a letter dated 24th May 2017.

5. There are a number of disputes between the landlord and the tenants, most of which were of little or no relevance to the Tribunal's task of determining the tenants' application regarding the rent level. The limited nature of the Tribunal's jurisdiction was explained in detail to both parties, during the inspection and hearing.

The Property

6. The property is a detached bungalow with a basement. The basement is currently part of the single demise but could and has in the past been a separate lettable unit. Built about 20 years ago the property has a dual pitched tiled roof and brick facing elevations. The building is relatively modern and benefits from double glazed fenestration central heating and modern kitchens and bathroom facilities. The bungalow occupies a generous site with several outbuildings and large lawned areas to the rear and side. Tending on the tired side, the accommodation comprises, entrance into corridor with rooms off to three bedrooms one with ensuite facilities, a bathroom, living room and kitchen. Off the corridor a flight of stairs leads to the basement area with kitchen, bathroom, bedroom and living room.

The Law

6. Section 22 of HA 1988 permits the tenant of an assured shorthold tenancy to apply to the Tribunal for a determination of the rent which, in the Tribunal's opinion, the landlord might reasonably be expected to obtain under the tenancy. It was not in dispute that Mr & Mrs Cooper had submitted their application in the correct manner, at the correct time or that the Tribunal had the power (under section 22) to make that determination.

7. However, the Tribunal's power to determine the rent is limited. There is no power to determine (and therefore change) the rent unless two conditions are met. First, that there are a sufficient number of similar dwellings in the locality let on assured or assured shorthold tenancies ('the comparable rents'). Second, that the rent payable under the actual tenancy in question is significantly higher than the rent which might reasonably be expected to be obtained, having regard to the comparable rents.

Findings of Fact & Conclusions

8. From the evidence we saw and heard, we made the following findings of fact.

9. The parties helpfully provided the Tribunal with details of a number of properties in the locality which were currently on the market for rent. The number was, however, modest, reflecting the rural nature of Glanamman and the surrounding area. Useful comparables were also adversely affected by the size and layout of the subject property (as detailed above). Many of the properties suggested as

comparables were either semi-detached (as opposed to detached) or had fewer rooms (both living and bedrooms). This is not a criticism of the parties, who endeavoured to provide as much information as they could. Rather, it is reflective of the limited rental market in this part of rural Wales.

10. Mr Carroll informed the Tribunal that the property was rented three to four years ago as two separate dwellings. The main house achieved a rent of £650 pcm and the annex a rent of £425pcm. The tenancy granted to Mr & Mrs Cooper was the first time the whole property had been let as one dwelling.

11. In reality, we were only presented with two possible comparable properties, both detached and both with five bedrooms. One was in Glanamman with a rent of £850 pcm; the other was in Ammanford, with a rent of £975pcm.

12. As such, the Tribunal was not satisfied that there were a sufficient number of similar properties in the locality let under assured (including shorthold) tenancies. We were presented with only two examples of what we deemed similar properties in the locality. On that basis alone, we did not have the power (by reason of section 22(3) of HA 1988) to determine the rent in this case.

13. Even if we were wrong on that issue, it could not be said that the rent charged under the tenancy for this property (£950 pcm) was significantly higher than the rents sought under the comparable properties (£850 and £975 pcm). The statutory test is not that the rent must be higher to trigger an assessment – it must be significantly so. That, in the Tribunal's judgment, was simply not the case on the facts of this application.

14. For all those reasons, the Tribunal concluded that it was not appropriate to make any determination of the rent for the property under section 22 of the HA 1988. The rent therefore remains at £950 pcm.

DATED this 15th day of June 2017

S A POVEY
CHAIRMAN