

**Rent Assessment Panel for Wales**

<b>Notice of the Rent Assessment Committee Decision</b>	File Reference Number: 1018185/Ty Twt Cein Erw
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Address of Premises  Ty Twt Cein Erw Aberporth Ceredigion SA43 2DY	The Committee members were  Mr S Povey Mr P Lucas
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(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.	95.00 per week  (This amount excludes council tax and water rates but includes any amounts entered in boxes 3-5 below.)
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(2) The effective date is: The new rent will apply from this date.	1 <sup>st</sup> October 2012
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(3) The rent is not to be registered as variable.

(4) The amount for services is:	0.00 per week
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(5) The amount for fuel charges (excluding heating and lighting of common parts) not counting for rent allowance is:	0.00 per week
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(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>1/10/12</u>	Chairman 
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**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: £95.00	
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**Residential Property Tribunal (Wales)**

Rent Assessment Committee

Reference: 1018185/Ty Twt Cein Erw

**TRIBUNAL**

Mr S. Povey  
Mr P. Lucas

**CHAIRMAN**

Mr S. Povey

In the matter of the determination by a Rent Assessment Committee of a fair rent under section 70 of and Schedule 10 to the Rent Act 1977.

Name of property: **TY TWT CEIN ERW, ABERPORTH, CEREDIGION SA43  
2DY**

Applicant: **MR G COOPER**

Respondent: **MRS S REPETTI**

## **Decision**

The registered rent for Ty Twt Cein Erw, Aberporth, Ceredigion SA43 2DY is determined at £95 per week.

The registration of the rent takes effect from 1<sup>st</sup> October 2012.

## **Background**

1. The Applicant, Mr G Cooper, is the landlord of Ty Twt Cein Erw, Aberporth, Ceredigion SA43 2DY ('the property'). The Rent Act protected tenant and Respondent is Mrs S Repetti. The tenancy began on 21<sup>st</sup> May 1988.
2. On 4<sup>th</sup> April 2012, Mr Cooper applied under s.67 of the Rent Act 1977 for registration of a fair rent. The rent had been £85 per week since the last registration in April 2010. Mr Cooper sought a new rent of £110 per week.
3. Pursuant to the application, the rent officer registered a rent of £90 per week effective from 18<sup>th</sup> May 2012.
4. By a letter dated 21<sup>st</sup> May 2012, Mr Cooper objected to the rent officer's determination. On 23<sup>rd</sup> May 2012, and by reason of Paragraph 6, Schedule 10 to the Rent Act 1977, the rent officer referred the matter to the Rent Assessment Committee of the Residential Property Tribunal ('the Tribunal').
5. The Tribunal received written submissions from the Applicant, who also indicated during the course of its inspection of the property that he was content for the matter to be determined without a hearing. The Respondent also confirmed to the Tribunal during the course of its inspection that she was similarly content for the matter to be determined without a hearing.
6. Mr Cooper's basis for objecting to the rent officer's assessment were two fold:
  - 6.1. The rental comparisons relied upon were not typical of the locality; and
  - 6.2. There had been a failure to have proper regard to the extensive works undertaken by the landlord since the last registration.

## **The Inspection**

7. The Tribunal inspected the property on 1<sup>st</sup> October 2012 in the presence of both Mrs Repetti and Mr Cooper.
8. The property comprises a detached two storey dwelling house situated at the end of a small residential cul de sac of individually designed properties in an elevated area

towards the outskirts of the coastal town of Aberporth – and enjoying some limited sea views from the site. Ty Twt is of traditional cavity wall construction with smooth rendered and brick elevations under a gabled slate roof. The property has Upvc double sealed windows and the interior is heated by an oil fired central heating system.

9. The accommodation briefly comprises:
  - 9.1. Lounge/Dining room – with two radiators, decorative fireplace and an oil fired central heating boiler fitted into a cupboard recess.
  - 9.2. Kitchen with attractively fitted units, tiled floor and radiator.
  - 9.3. Bathroom fitted with a disabled shower unit, pedestal hand basin, low flush wc., radiator, non slip flooring together with half and fully tiled walls.
  - 9.4. First floor landing – approached via a staircase from the ground floor and with radiator.
  - 9.5. Bedroom One - radiator
  - 9.6. Bedroom Two – radiator
  - 9.7. Bedroom Three (front) A well proportioned bedroom with radiator and sea views; airing cupboard with lagged hot water cylinder and immersion heater.
  - 9.8 Outside – the property is set on an irregular shaped plot being approached from the tarmac road by a narrow and quite lengthy grassed front garden. To the side of the house is a detached garage with rendered walls and slate roof. The tenant does not use this garage. The remaining grounds slope significantly and very close to the rear of the property is a small stream.
10. We were informed that Mr Cooper installed the central heating system about four years ago. Around the same time, he also installed a walk-in shower and replaced the flooring in the bathroom. In addition, he installed new kitchen units and flooring in the spring of 2012. The property was built with double glazing and insulation.
11. The carpets and curtains throughout the property and all the furnishings, furniture and white goods are Mrs Repetti's. There is a garage annexed to the main property, which Mr Cooper retains use of.
12. Following the inspection, the RAC convened to consider its decision. Neither party chose to attend the said hearing.

## **The Law**

13. Section 70 of the Rent Act 1977 sets out the factors to be considered when determining a fair rent. In particular, and of relevance to this application, we are required to have regard to the age, character, locality and state of repair of the property.
14. At the same time, s.70 requires us to disregard:
  - 14.1. The personal circumstances of the parties;
  - 14.2. Any disrepair or other defect attributable to a failure by Mrs Lee under the terms of the tenancy;
  - 14.3. Any improvements carried out by Mrs Lee, other than as required under the tenancy
15. We must also assume that the number of people seeking to become tenants of similar properties in the area on terms identical to Mrs Repetti's tenancy (save as to rent) is not substantially greater than the number of such properties which are available to rent on such terms. In other words, we must make certain assumptions regarding scarcity and demand.
16. In addition, further regulation of Rent Act rents is provided by the Rent Acts (Maximum Fair Rent) Order 1999 ('the Maximum Fair Rent Order'), which places a cap on the permissible amount of the increase of a fair rent between one registration and the next. The cap is based upon the amount of increase in the Retail Prices Index between the dates of the two registrations.
17. By virtue of section 72 of the Rent Act 1977, the registration of the rent takes effect from the date when we as a RAC reached our decision.

## **Findings of Fact & Conclusions**

18. The starting point in assessing a rent under s.70 Rent Act 1977 is to establish the market rent for the property. To that rent, a number of adjustments are made, to reflect the requirements of s.70.
19. We were not provided with any specific evidence or comparable rents by the parties. The rent officer had had regard to a range of rents including in the SA38, SA43, SA44, SA48 and SY23 postal areas but we were not provided with the addresses of these properties. Based upon that evidence, the rent officer set the market rent for the property at £110 per week.

20. Using our own skill and expertise, and having regard to the good condition of the property, its location and sea view, we believe that a market rent of £120 per week is more realistic.
21. We would expect carpets and curtains to usually be provided by the landlord in a rented property and therefore deduct £8 from the market rent, to reflect this.
22. The kitchen and bathroom facilities were installed by the Applicant. They are both of good quality and condition and we make deduction for them.
23. The overall condition of the property is very good, with central heating and double glazing provided by the Applicant.
24. For scarcity, we are satisfied that there is a degree of scarcity for this type of property. There is not much available accommodation in the area save a number of holiday lets. Aberporth is a small village with few properties available. We agree with the rent officer's conclusion as to scarcity and make an adjustment of 15% to reflect this.

### Calculations

25. Applying our findings and conclusions, we have determined the rent as follows:

Market Rent	£	£
		120.00
Less Adjustments (if appropriate)		
Lack of Central Heating	0.00	
Carpets/Curtains	8.00	
Basic Kitchen/Bathroom	0.00	
Condition	0.00	
Double Glazing	0.00	
Other (specify)	0.00	<u>8.00</u>
Adjusted Market Rent		112.00
Deduct for Scarcity	15%	<u>16.80</u>
Fair Rent (excl services)		95.20
Add services (if any)		0.00
<b>Fair Rent (rounded to nearest £)</b>		<b>95.00</b>

26. Under the Maximum Fair Rent Order, the capped fair rent is £97.50 per week. As the rent we have determined does not exceed the maximum fair rent, the Order does not apply.

**Conclusion**

27. The fair rent for the property is determined at £95 per week.

28. The registration of the rent takes effect from 1<sup>st</sup> October 2012, the date we reached our decision.

A handwritten signature in black ink, appearing to read 'S A Povey', with a horizontal line underneath.

**S A Povey  
Chairman**

**24<sup>th</sup> October 2012**