

**Y TRIBIWNLYS EIDDO PRESWYL**

**RESIDENTIAL PROPERTY TRIBUNAL**

**RENT ASSESSMENT COMMITTEE  
(Housing Act 1988)**

**Reference:** RAC/0029/02/13/Camp Road

**Property:** 17, Camp Road, Bulwark, Chepstow NP16 5QT

**Landlord:** AC Clark Kennedy

**Tenant:** A Nicke

**COMMITTEE:** Chairman AVS Lobley  
Surveyor Mr R Davies  
Mrs. C Calvin -Thomas

**REASONS FOR THE DECISION OF THE RENT ASSESSMENT COMMITTEE**

1. We were duly convened as a Rent Assessment Committee under the provisions of the Housing Act 1988 (the Act) on 3<sup>rd</sup> April 2013 at the property. We had before us a reference from the tenant, Mr. Nicke, in respect of the property.
2. Mr. Nicke had inherited the tenancy from his grandmother, after her death in March 2012. His grandmother had the benefit of a regulated tenancy.
3. Newland Rennie Wilkins, agents for the landlord, served notice on 6<sup>th</sup> February 2013 proposing a new rent of £130 per week with effect from 24<sup>th</sup> March 2013. Previously, the rent had been £70 per week.
4. Mr. Nicke objected to the proposed rent and referred the matter to us under Section 13(4) of the Act on 9<sup>th</sup> February 2013. He said in an email that he was objecting to the proposed rent as the increased rent would not be covered by his Housing Benefit (HB) and he was therefore facing the threat of eviction. In addition, he had mental health problems. The property was in a very run down condition. His MP also wrote an email outlining Mr. Nicke's financial difficulties and mentioning that there was damp in many of the rooms, there was woodworm in the kitchen and bathroom, dilapidated kitchen units which had not been updated in 40 years, there was asbestos in the conservatory which would require expert removal, a bathroom suite which had not been updated for 40 years, a leaking chimney stack in the front bedroom and a draughty window in the front bedroom, wallpaper peeling off the wall in the second bedroom, the house had not been redecorated for 40 years and many of the carpets were threadbare. Mr. Nicke did not consider the property to be marketable and the weekly rent was too high.

## THE INSPECTION

5. The Committee inspected the property in the presence of Mr. Nicke prior to the hearing. As the agent for the landlord had referred the committee to comparable properties in the area, the Committee also viewed these properties externally: 25 and 43, Alpha Road and 10 Bulwark Avenue and 24, Severn Crescent Hardwicke. These properties were similar to some extent to 17, Camp Road. The Committee also inspected another property advertised for rent in St David's Close not far from the Bulwark.
6. 17, Camp Road is an end terrace (of 4 houses) set back from the road with a grassed area in front. It is situated in an estate known as the Bulwark, a large residential estate built about 100 years ago. It has a small garden to the front and a good sized garden to the rear, both grassed. It has two front rooms, a kitchen, bathroom, two bedrooms and a smaller third bedroom. It has central heating and double glazing to most of the windows. The front room to the right of the front door has some damp to the window. The gas fire has been disconnected. The kitchen is to the rear of this front room with units which had been installed by the tenant's step grandfather in the 1960's. The Tenant told the committee the plaster was coming away from the walls and this was covered by boarding. The bathroom had not been updated since the 1950s. The front bedroom had plaster coming off the wall by the chimney stack and one of the windows was not double glazed. The other bedroom had some loose wall paper but did not appear to be damp.

## THE HEARING

7. The hearing took place at the Town Hall in Chepstow, attended by Mr. Morgan of Newland Rennie Willkins and Mr. Nicke. Mr. Morgan submitted, in relation to the state of the property, that though the landlord was aware that internal decoration was poor, the tenant was responsible for the interior decor. It was accepted there was an issue with the chimney stack on the gable end and some hollow render beneath the living room window but Mr. Nicke had asked for repairs to be held off until after the Committee's visit. These matters would be attended to shortly. Whilst sympathetic to Mr. Nicke's financial position, the problem was as a result of the government's restructuring of HB. Mr. Nicke was a single person occupying a 3 bedroom house. The increase in rent requested was in line with similar properties. In relation to the central heating and double glazing, the boiler had been replaced by the landlord in February 2012 so that it was a landlord's fixture. If the double glazing had been done with some form of grant aid it had been done some years ago. From his file, Mr. Morgan said that a window had been replaced by the landlord in 2005 and the kitchen windows had been replaced, again by the landlord, in 1995.
8. Mr. Morgan told the Committee that the four comparables to which he had referred the Committee were all similar to the property. The condition and kitchens were all roughly similar and though some had been refitted the base units had not been expensive. The properties all had longstanding tenants. One of the tenants had not wanted anything done to the property. The tenant of number 11, Camp Road had inherited from her mother and the rent was £120 per week (agreed 2 years ago) but the tenant had done a lot of work to the property. The rent for No 10 Bulwark was £130 and for Alpha Road £130. These rents had been agreed. The Committee referred Mr. Morgan to the property in St David's Close, which was built in the 1960s and had a garage. The rent was £137.50 per week. Mr. Morgan said that that property was in a high density location. The subject property was in a nice location and although in theory the lack of a garage should make a difference to the rental, in practice it did not. Mr. Morgan did not think the problem with the chimney stack would affect the rental in the light of local rents. The comparable properties had all been agreed

and the only open market rent agreed Mr. Morgan was aware of was for a property in Wye Crescent which had been let for £475 PCM. Mr. Morgan did not feel this was a fair comparison as it was a two bedroom property, it had no parking, a very limited kitchen and with poor access.

9. Mr. Nicke told the Committee he was claiming Employment and Support Allowance and HB. Both benefits had been stopped and he had reclaimed. The maximum HB he could receive was £90. He had to pay £25 a week for heating. He had asked the agent to put off the work to the chimney stack and front window but he had thought the Committee was attending the following week. There were damp issues and a problem with the window in the front bedroom so that he had to keep the heating on all winter. The house was 100 years old and in a deplorable condition though he tried to keep it clean. He did not consider the location was desirable. He referred to No 11, Camp Road as being in very good condition. The Committee explained to Mr. Nicke that it had to ignore work carried out by the tenant. Mr. Nicke accepted that the central heating and the windows were the landlord's responsibility.

#### THE COMMITTEE'S FINDINGS

10. The Committee is required by the Act to fix a market rent for the property, the estimated amount for which a property should lease on the date of the valuation between a willing lessor and a willing lessee, in an arm's length's transaction after proper marketing, wherein the parties had each acted knowledgeably and without compulsion.
11. The Committee accepted the evidence of the comparable properties in the Bulwark and Hardwicke to which it had been referred and accepted that for a property previously regulated the market rent would be in the region of £130 per week. The Committee was unable to take into account Mr. Nicke's personal circumstances or the state of internal decoration in fixing the market rent. In the Committee's view, the only adjustment to be made in respect of the market rent was for the problem with the chimney. Interior decoration was the responsibility of the tenant. The Tribunal deducted £5 per week for this.
12. The Committee determined the market rent to be £125 per week
13. In view of what the Committee had been told of Mr. Nicke's circumstances, the market rent would be payable from 3<sup>rd</sup> April 2013.

DATED this 2<sup>nd</sup> day of May 2013



CHAIRMAN