

**Notice of the Rent Assessment Committee Decision and
Register of Rents under Assured Periodic Tenancies
(Section 14 Determination)**

Housing Act 1988 Section 14

Address of Premises50 Coedcae Road
Llanelli
Carmarthenshire
SA15 1HZ**The Committee members were**S. A. Povey
P. Tompkinson**Landlord**

Mrs J. Steven

Address

Flat 4, Wellfield, 60 New Road, Llanelli, SA15 3DR

Tenant

Curtis Morris

1. The rent
is:

100

Per

week

(excluding water rates & council tax
but including any amounts in paras
3&4)2. The date the decision takes
effect is:25th March 2014*3. The amount included for
services is

N/A

Per

*4. Services charges are variable and are not included

5. Date assured tenancy
commenced22nd April 19896. Length of the term or rental
period

Weekly periodic

7. Allocation of liability for
repairs

Landlord

8. Furniture provided by landlord or superior landlord

None

9. Description of premises

Three bedroom semi-detached house; rear garden; two reception rooms; kitchen and
bathroom; mains water, electricSigned by the Chairman of the Rent
Assessment Committee.

Date of Decision

28th March 2014

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RESIDENTIAL PROPERTY TRIBUNAL
RENT ASSESSMENT COMMITTEE
(Housing Act 1988)

Reference: RAC/0028/01/14 Coedcae Road

Property: 50 Coedcae Road, Llanelli SA15 1HZ

Landlord: Jill Steven

Tenant: Curtis Morris

COMMITTEE: Chairman Mr S A Povey
Surveyor Mr P Tompkinson

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 and met at 50 Coedcae Road, Llanelli ('the property') on 28th March 2014. The landlord of the property is Jill Steven. The tenant, Curtis Morris, succeeded to the tenancy from his mother on 22nd April 1989, who had held the tenancy under the Rent Act 1977. By virtue of section 2 and Part 1 of Schedule 1 to the Rent Act 1977, Mr Morris succeeded to a fully assured tenancy under the Housing Act 1988.
2. On or around 27th December 2013, Mrs Steven wrote to Mr Morris, informing him that the weekly rent was to increase from £80 to £120. On 7th January 2014, the Tribunal received an application from Mr Morris to determine the proposed rent increase. On 15th January 2014, the Tribunal wrote to Mr Morris, informing him that it did not have jurisdiction to consider his application, as the proposed rent increase was not in the prescribed form.
3. On 23rd January 2014, Mrs Steven completed and sent to Mr Morris a Notice proposing a new rent of £120 per week with effect from 25th March 2014 in the prescribed form. By agreement with Mr Morris, the Tribunal treated his application of 7th January 2014 as referring to the Notice of 23rd January 2014.

4. Before considering the matter, we inspected the property both internally and externally. In attendance was Mr Morris. Mrs Steven chose not to attend. We also had the opportunity to view the surrounding area.

The Inspection

5. The property is a three bedroom semi-detached house in a quiet residential area. The property has a pitched hipped tiled roof, uPVC rainwater goods and is of cavity wall construction with Canterbury spar render. There is a rear lean to coal shed and neat garden with boundary walls that are in need of repointing. The windows, which have been replaced, are of uPVC double-glazing. The property does not benefit from gas central heating but has mains drainage, electric and water supplies. Heating is provided by way of open fire places and solid fuel. There is access to the rear garden by way of a side gate.
6. The accommodation of the property comprises a front door which opens to hallway with stairs to the first floor, under which is a storage area. To the front is a living room with fitted carpet and fire surround. To the rear there is a basic kitchen with a stainless steel sink unit, basic electrical fittings and vinyl floor covering. There is a door out to the side path leading to the rear garden. There is also a second reception room to the rear, with fitted carpet and tile surround fire place.
7. The staircase leads to the landing, at the top of which is a cupboard housing the immersion heater and hot water tank. The bathroom comprises a plastic bath, a pedestal wash hand basin and W.C. There are three bedrooms off the landing, all with fitted carpet. The small bedroom to the rear had evidence of historic damp staining to the ceiling. There is access to the loft from the landing via a hatch.
8. The property was in tidy internal decorative order throughout and was well maintained. There was evidence of condensation in the double glazing in the back door, on the landing and in the bathroom, which is likely to have been caused by defective seals. We were informed by Mr Morris that the property had the benefit of an improvement grant

in 1994, when the double glazing and immersion heater were installed and a number of the floors replaced. All of the carpets, curtains and furniture were provided by and belong to Mr Morris.

The Hearing

9. The parties indicated that they were content for the matter to be determined without an oral hearing.

The Law

10. In reaching our decision, we have had regard to the provisions for increasing the rent of assured tenancies, as set out in sections 13 and 14 of the Housing Act 1988

11. By virtue of s.13 Housing Act 1988, before increasing the rent, the landlord must serve a written notice of increase in the form prescribed by regulations. The effective date of the proposed increase must be at least a month later. The notice must be signed and dated by the landlord or her agent. It must be served on the tenant.

12. To avoid the rent specified in the notice taking effect, the tenant must act before the effective date contained within the notice. An application must be received by the Tribunal to determine the rent before the date specified in the notice as the effective date.

13. The rules governing how the Tribunal determines the proposed rent increase are contained in s.14 Housing Act 1988. We are required to consider the rent at which the property could reasonably be expected to be let:

13.1. In the open market by a willing landlord; and

13.2. Where the periods and terms of the tenancy are the same as the subject property (save for those relating to the rent level).

14. We are required to disregard any increase or decrease in the value of the property caused by improvements undertaken by the tenant or any failures by the tenant to adhere to the terms of the tenancy.

The Decision

15. We were satisfied that the notice of increase eventually served in January 2014 was valid and Mrs Steven had complied with the requirements of s.13 Housing Act 1988. The Tribunal therefore had jurisdiction to determine the application for a new rent.

16. We were satisfied that there were no improvements or neglect by Mr Morris relevant for us to disregard, as required by section 14. We were therefore required to determine what the property could reasonably be expected to be let for on the open market and on the same terms, save for the rent.

17. In the absence of any evidence from the parties, we had regard to other similar properties being let in the locality. We did not identify any comparable properties in the immediate vicinity for let on the day of the inspection but in the wider Llanelli area, three bed semi-detached properties were being marketed at a rent between £112 and £115 per week. A property had recently been let at £112 per week in good condition with double glazing and gas central heating.

18. The subject property of this appeal is situated in a desirable area and benefits from a good sized rear garden. The Tribunal, using its experience and expertise, were of the view that in good and tenantable condition, it could achieve £115 per week. However, the lack of central heating, in our view, would have a detrimental impact upon the property's appeal to prospective tenants. Would-be tenants are likely to be discouraged, especially as the evidence suggested a number of similar sized properties available in the locality, all with gas central heating as standard. Both the kitchen and bathroom, whilst functional, were basic, with no fitted units and no shower. Again, this is likely to adversely affect the likely rent achievable in this locality on the open market.

19. Whilst we noted the condensation in a number of the window panes in the property, we were not of the view that this would affect the market rent the property could achieve.

20. In light of our findings on current market in this locality and having regard to the detrimental features of the property detailed above, we concluded that, in accordance with section 14 of the Housing Act 1988, the rent for the property is assessed at £100 per week.

21. We therefore determine the rent at £100 per week, effective from 25th March 2014. We were not satisfied that applying the new rent from the date set out in Mrs Steven's notice would cause undue hardship to Mr Morris (per section 14(7) Housing Act 1988).

DATED this 2nd day of April 2014

A handwritten signature in black ink, appearing to be 'Graham', written over a horizontal line.

CHAIRMAN