

## 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 Premises

14, Bartley Wilson Way, Canton,  
Cardiff CF11 8EL

### The Committee members were

AVS Scott Chair  
A Lewis FRICS  
C Thomas

### Landlord

Mr & Mrs. Bhua

### Address

31 Heol Terrell, Canton, Cardiff CF11 8BF

### Tenant

Ms. Hannah Abougela

1. The rent is:

£910

Per

month

(excluding water rates & council tax but including any amounts in paras 3&4)

2. The date the decision takes effect is:

28 August 2019

\*3. The amount included for services is

NA

Per

NA

\*4. Services charges are variable and are not included

5. Date assured tenancy commenced

16 November 2013

6. Length of the term or rental period

AST 12 months, then periodic

7. Allocation of liability for repairs

Landlord

8. Furniture provided by landlord or superior landlord

Nil

9. Description of premises

End of terrace two storey house with garage, 3 bedrooms, 1 bathroom, 1 shower, 1 living room and 1 kitchen

Signed by the Chairman of the Rent Assessment Committee.

Date of Decision

28 August 2019

Amended Decision

3 October 2019

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RESIDENTIAL PROPERTY TRIBUNAL (WALES)  
RENT ASSESSMENT COMMITTEE (WALES)

DECISION AND REASONS OF RENT ASSESSMENT COMMITTEE  
(WALES)  
HOUSING ACT 1988 SECTIONS 13 & 14

In the Matter of an Application under Section 13 of the Housing Act 1988

Reference: RAC/0003/05/19

Premises: 14, Bartley Wilson Way, Canton, Cardiff CF11 8EL

Applicant: Ms. Hannah Abougela

Respondents: Mr & Mrs. Bhua

TRIBUNAL AVS Scott Chair  
Andrew Lewis FRICS  
Carole Thomas

ORDER

The rent shall be £910 per calendar month, to commence from 28 August 2019

Dated this 30<sup>th</sup> day of September 2019

A handwritten signature in black ink, appearing to read 'A Scott', written in a cursive style.

A Scott  
Chair

## REASONS

### BACKGROUND

1. This application concerns the Applicant's challenge to a Notice of proposed rent increase served pursuant to s 13(2) of the Housing Act 1988 (the Act) dated 10 May 2019 by the Respondents. The Notice proposed an increase in rent from £875 per month to £925 per month from 17 June 2019.
2. The parties had entered into an Assured Shorthold Tenancy for a fixed period of 12 months from 16 November 2013 at a monthly rent of £875 per month payable on the 17th of each month. Upon expiry of the fixed term, the tenancy became a periodic tenancy on similar terms to the assured tenancy. There has been no rent increase since then.
3. S 5(3) (d) of the Act provides that, in relation to the periodic tenancy, "the periods of the tenancy are the same as those for which the rent was last payable under the fixed term tenancy". In this case, the tenancy runs from 17th of the month on a calendar month basis.
4. S 13 (2) of the Act provides that for a Notice served under that section to be valid, it must comply with certain requirements, including that the Notice must be "in the prescribed form proposing a new rent to take effect at the beginning of a new period of the tenancy specified in the notice". The Tribunal accepted the Notice served on 10 May 2019 complied with this requirement.

### INSPECTION

5. The Tribunal inspected the Property on 28 August 2019 at 9:30am. The Property is located in the Canton district of Cardiff, in a gated community. The Property comprises an end terrace two storey house, with a garage and a small garden. It has 3 bedrooms, one en-suite shower room, a living room and kitchen and bathroom. There was some evidence of water damage in a few internal areas of the property as a result of previous defects with the plumbing system.
6. The Tribunal also took the opportunity to inspect some of the comparables from the outside, including No 24, across the road from No 14, and no 177.

### COMPARABLES

7. Within their written submissions the parties referred to various comparables, including:-

7.1 24 Bartley Wilson Way: This was located immediately opposite the subject and was a three bedroom semi-detached house with a single garage. It had been let in May 2019 by Chris John & Partners Estate Agents of Cardiff at £895 per month.

7.2 177 Bartley Wilson Way: This was a located closeby to the subject and was a similar house to 24 Bartley Wilson Way. It had been let by Moginie James Estate Agents of Cardiff in September 2018 at £1,000 per month. Previously it had been let in April 2016 at £900 per month.

7.3 The attention of the Tribunal was also drawn to other comparables on the development but without the exact addresses including a detached 3 bedroom house let by Allen Harris Estate Agents of Cardiff at £975 per month around April 2019, and a mid-terrace larger three storey 3 bedroom house let at £1,100 per month by Michael Graham Young Chartered Surveyors of Cardiff.

7.4 Both parties also included details of web based rental value assessment tools to support their opinion of value.

## WRITTEN SUBMISSIONS

8. The Applicant, in her letter received on 26 June 2019, asserted that the rental agreed at the commencement of the tenancy was inflated by £75 per month but she had agreed to pay the rent as the Property was near her family. She criticised the comparables put forward by the Respondents and asserted that houses on the estate varied greatly.
9. The Respondents drew to our attention there had been no rental increases since 2014 and rentals had increased considerably in the intervening period.

## THE HEARING

10. The Applicant had asked for a hearing which took place immediately after the inspection on 28 August 2019 at the offices of the Tribunal, attended by both parties.
11. The Applicant stood by the evidence already set out in her letter to the Tribunal and stated that she considered the rental value of the subject to be £910 per month.

12. There was some disagreement between the parties as to repairs carried out by the Landlord, but the Landlord accepted that they had undertaken the repairs to the plumbing system but failed to carry out the associated redecoration.
13. The Tribunal focused its questions on the comparables it considered to be most similar to the Property, nos. 177 and 24. In particular for the difference in the rents agreed (£1000 for no 177 in September 2018 and £895 in May 2019 for no. 24). The Landlord asserted no. 24 had been let at below market rent, as this ensured the property would be let more quickly. It was a smaller property than no. 14, and the Landlord helpfully provided a floor layout plan which confirmed this detail.

#### DETERMINATION OF MARKET RENT

14. The Tribunal noted that the most recent evidence, and therefore the most relevant, was the letting of 24 Bartley Wilson Way. This was slightly smaller than the subject but had been redecorated before being let. Further this comparable had a more regular and therefore useful rear garden which would be a factor in the marketplace.
15. In contrast the subject had not been redecorated by the Landlord following the plumbing repairs which would detract from the appeal of the property if offered on the market. Accordingly, the Tribunal therefore found the market rent to be £910 per month
16. There was no evidence before the Tribunal to suggest the increased rent should commence later than the date of the Landlords' notice (17 June 2019) though it was open to the parties to agree a later commencement date.

Dated this 30<sup>th</sup> day of September 2019  
Amended this 3<sup>rd</sup> day of October 2019



A Scott  
Chair