


Rent Assessment Panel for Wales**Notice of the Rent Assessment
Committee Decision**File Reference Number:
RAC/0007/07/19

Address of Premises 22 Rhos Nathan way Aberaman Aberdare CF44 6JB	The Committee members were Richard Payne Mark Taylor
(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.	£ 91.61 per week (This amount excludes council tax and water rates but includes any amounts entered in boxes 3-5 below.)
(2) The effective date is: The new rent will apply from this date.	6 th November 2019
(3) The rent is not to be registered as variable.	
(4) The amount for services is:	£6.11
(5) The amount for fuel charges (excluding heating and lighting of common parts) not counting for rent allowance is:	n/a
(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: N/A	
Date of decision: <u>6th November 2019</u>	 Chairman: R Payne
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: N/A	

RENT ASSESSMENT COMMITTEE
(Rent Act 1977)

Reference: RAC/0007/07/19

Property: 22, Rhos Nathan Wyn, Aberaman, Aberdare, CF44 6JB

Applicant: Mrs C.R Isaac (tenant).

Respondent: Newydd Housing Association Limited.

COMMITTEE: Richard Payne, Legal Chair,
Mark Taylor, Surveyor Member.

DECISION OF THE RENT ASSESSMENT COMMITTEE

The registered rent for 22, Rhos Nathan Wyn, Aberaman, Aberdare, CF44 6JB (“the property”) is determined at £91.61 per week inclusive of £6.11 services per week (£85.50 excluding services).

The registration of the rent takes effect from 6th November 2019.

REASONS FOR DECISION

Background

1. On the 30th April 2019, the Respondent applied under s.67 of the rent Act 1977 for registration of a fair rent. The Respondent sought a new weekly rent of £104.64 which is equivalent to £453.44 per calendar month inclusive of service charges. The landlord’s service charge is at present calculated at £6.11 per week in relation to maintenance of the garden and grounds including playground, television aerial maintenance and calibration, communal electricity supply and communal charges for removal of contaminated waste and fly-tipping. The registered rent at the time of the application including £6.39 services was £92.00 per week, equivalent to £398.66 per calendar month, effective from the 18th May 2017.
2. The Rent Officer determined a new registered rent of £92.00 per week (inclusive of services of £6.11 per week) to take effect from the 2nd July 2019. The Applicant appealed against the registered rent by a letter to the Rent Officer dated the 23rd July 2019 and the matter was duly referred to the Rent Assessment Committee by the Rent Officer service by letter dated the 25th July 2019.

The Inspection

3. The Committee inspected the property on 6th November 2019. The Landlord had been notified of the date and time of the inspection but was not represented at the same. The Applicant tenant Mrs Isaac was present and showed the Committee around the property.

Situation & Description

4. Rhos Nathan Wyn is located in Aberaman, Aberdare approximately 1 mile south of the Town Centre. There is a primary school in close proximity but there are otherwise limited local shopping facilities and amenities but there is a regular bus service along nearby Cardiff Road. Rhos Nathan Wyn is part of a Housing Association development constructed in the early 1980's. It comprises a mixture of terraced houses and flats with local children's play area and on road and communal parking areas. Generally the development slopes steeply from front to rear with a number of interconnecting stepped walkways.
5. The subject property is located at an end of terrace and is of traditional brick construction under a pitched roof with cement tile covering. Rain water goods, front and rear doors and windows are all reasonable quality UPVc and appear to be in good order. Externally there is a small front garden, which is laid to lawn with stepped access and enclosed with brick retaining walls topped with decorative railings. To the rear there is a separate entrance but this opens onto the steeply sloping rear garden with no step or pathway. The rear garden is laid to lawn but its slope means there is restricted access and difficulty in maintenance. Generally the garden is enclosed with wood lap fencing. The tenant informed us that sometime in the early 2000's the garden arrangement was altered allowing the construction, to the side of the property, of a communal pedestrian access to another part of the development, Rhos Dyfed, at a higher level to the rear.
6. Internally the property is arranged on the ground and first floor. Comprising a kitchen, through lounge /diner and WC on the ground floor and with three bedrooms and bathroom to the first. Two of the bedrooms are good-sized doubles with one single. It is in a reasonable but dated decorative order with mainly plastered and painted walls and a textured finish to ceilings. The kitchen has a wood finish vinyl floor covering supplied by the landlord but otherwise all other floors are covered in carpet provided by the tenant together with all furniture, white goods and curtains. The kitchen is in good order with a range of wall and base units with partial tiling. The bathroom is again in good order with a low level WC, wash had basin and bath with a shower over. We understand that the landlord refurbished the kitchen and bathroom in the last five years. It would appear that all main services are provided including gas central heating.

The Law

7. Section 70 of the RA 1977 sets out the factors to be considered when determining a fair rent. In particular we are required to have regard to the age, character, locality and state of repair of the property.
8. At the same time, s.70 requires us to disregard:
 - The personal circumstances of the parties; (the law constrains us from considering the individual's circumstances and affordability.)

- Any disrepair or other defect attributable to a failure by the tenant under the terms of the tenancy; and
 - Any improvements carried out by the tenant, other than as required under the tenancy.
9. We must also assume that the number of people seeking to become tenants of similar properties in the area on terms identical to the Applicant'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.

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.

10. By virtue of section 72 of the RA 1977, the registration of the rent takes effect from the date when the Committee reached its decision.

Representations before the Committee

11. The tribunal/Rent Assessment Committee sent letters to the parties inviting representations upon the matter and enquiring whether the parties required an oral hearing. Neither party requested an oral hearing. The Respondent in representations dated 5th August 2017 from Tania Watts, Head of Finance stated that they did not require a hearing and were happy with the fair rent officer's decision and the basis for his calculations. The Committee noted that amongst our papers was a letter of 8th July 2019 that the Rent Officer had sent to Mrs Irene Davidson, Finance Officer of the Respondent explaining the basis of the calculation of the fair rent in this case.
12. The Applicant Mrs Isaac had written to the Rent Officer on 23rd July 2019 objecting to the rent increase because the landlords had "failed to do the improvements that they promised to do in 2001 despite receiving funding for the work on my back garden, and put designated parking spaces." The Applicant complained that others use her parking space after the Respondent put another access to Rhos Dyfed Street behind her house despite those residents having their own parking spaces. Mrs Isaac said that this has led to problems for her and she blames the Respondent for the upset and distress that she has experienced as a result and her complaints have fallen on deaf ears. Mrs Isaac did not however respond to the Committee's letters to her and she did not send in any further representations nor did she seek an oral hearing of this matter.

Assessment of the rent

13. The starting point in assessing a rent under s.70 of the RA 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.

14. The Rent Officer had provided information on a range of rents for three bedroom houses in the locality for the period of 28th June 2018 to 29th June 2019 between £64- £138.46 per week. These were largely for terraced houses in the CF44 postcode but also included some detached and semi detached properties. The Rent Officer had considered the market rent to be £103.85 per week. Taking into account all of the evidence, using our own skill and expertise and having regard to the size and location of the property, we differ slightly from the Rent Officer's valuation and we consider that £100.00 per week is the appropriate market rent for this property.
15. Carpets and curtains would usually be provided by the landlord in a rented property for a market rent and in this case the tenant provided those. Further, the steep angle of the back garden reduces its utility. We adjusted the weekly rent by £3 and £2 respectively to reflect this making an overall weekly deduction of £5 from the market rent.
16. On the issue of scarcity, the Rent Officer had made a deduction of 10%, from an adjusted market rent of £101.96. We agree that there is a level of scarcity for properties of this nature in the locality, and agree that a deduction of 10% is appropriate for scarcity. This leaves a fair rent figure of £85.50 per week to which the services of £6.11 per week are added to provide a figure inclusive of services of £91.61 per week.

Calculations

17. Applying our findings and conclusions, we determined the weekly rent as follows:

£	£		
Market Rent			100.00
Less Adjustments (if appropriate)			
Carpets/Curtains		3.00	
Other		2.00	
			5.00
	Adjusted Market Rent		
		95.00	
Deduct for Scarcity	10%		
		9.50	
Fair Rent (excluding services)			<u>£85.50</u>
Add services (if any)			
		6.11	
Fair Rent			£91.61

18. We calculated the Maximum Fair Rent using the present RPI as at the date of inspection of 297 and determined the MFR as being £102.11 per week inclusive

of services. We are to determine the fair rent as being the lowest figure of the MFR or our fair rent calculation. The MFR therefore does not apply in this case.

Conclusion

19. The fair rent for the property is therefore £91.61 per week inclusive of services and £85.50 excluding services.
20. The registration of the rent takes effect from 6th November 2019, the date we reached our decision.

Concluding remarks

21. The Committee noted from the tenant's written representations that she was concerned about parking spaces. The tenant addressed the Committee at some length on this issue at inspection and showed the Committee an earlier Fair Rent decision from 2002 in which the Rent Officer had referred to a parking space. Rightly or wrongly the tenant felt that she is entitled to a designated parking space directly outside of her property and yet other vehicles are frequently parked there, particularly in relation to occupiers or visitors to Rhos Dyfed, the street behind the tenant's property. The tenant is of the view that people frequently park outside her property and use the adjoining path as a cut through to Rhos Dyfed rather than driving the longer way around. The tenant claims that she has raised this upon a number of occasions with the Respondent and yet is ignored. The Committee wish to make it clear that we could not and did not take evidence upon this matter at the inspection and what the tenant had to say about this played no part in our determination. In view of the tenant's personal circumstances, whilst the Committee has no powers in this regard, (but noting the paucity of sources of independent advice for the tenant) we strongly recommend that the Respondent meet with the tenant as soon as possible to discuss these issues with her and explore whether it will be possible to give her a designated parking space directly outside her property or otherwise to address her concerns.

DATED this 8th day of November 2019



Richard Payne
CHAIRMAN