

Y TRIBIWNLYS EIDDO PRESWL
RESIDENTIAL PROPERTY TRIBUNAL
RENT ASSESSMENT COMMITTEE

Reference: RAC/0004/06/21

In the matter of 2 Cypress Grove, Rhyl, Denbighshire, LL18 3SD

And in the matter of an Application under section 13(4) of the Housing Act 1988

Applicant: Douglas Wareing

Respondent: Marco Fontana

Tribunal: Andrew Grant (Chairman)
Tom Daulby (Surveyor)

Decision

The tribunal determines that the market rent for the subject property is £595 per month commencing on the 9th of July 2021.

Reasons

1. This is an application by Mr. Douglas Wareing (“the Applicant”) who is the tenant of the property known as and situate at 2 Cypress Grove, Rhyl, Denbighshire, LL18 3SD (“the Property”).
2. The Applicant occupies the Property pursuant to the terms of an Assured Shorthold Tenancy agreement which commenced on the 9th June 2014. The original term was for a period of 6 months which has now expired but the Applicant remained in occupation under the terms of a statutory periodic tenancy.
3. By his application, the Applicant sought to challenge the notice of increase of the rent which was served upon him by the Respondent on the 9th June 2021, which proposed an increase to the rent from £550 to £595.82 per calendar month with such increase to take effect from the 9th July 2021.
4. The application was dated the 15th June 2021. Directions were issued on the 7th July 2021. In compliance with those directions, the Respondent filed and served his evidence in the form

of a statement on the 12th July 2021. The Applicant filed and served his evidence which took the form of a letter which was dated the 18th August 2021.

5. The matter was listed for a determination on the papers as neither party had requested a hearing. The matter was considered on the 8th September 2021.

Inspection

6. The tribunal inspected the property on the morning of the 8th September 2021.

Location

7. The Property is situated on an established residential estate of similar age and style properties in the Eastville district of Rhyl within reasonable proximity to Rhyl town centre and associated shops, schools and amenities. Rhyl promenade and foreshore are nearby and there is good access to public transport facilities, together with major road and rail communication.

The Property

8. The Property comprises a two – bedroom semi – detached bungalow thought to have been constructed in the mid 1970's in a traditional manner comprising brick walls with part roughcast rendering situated beneath a pitched tile clad roof with modern Upvc double-glazed windows and doors together with plastic rainwater fittings and fascia boards.
9. Internally the Property provides a kitchen/dining area with front lounge, two standard size bedrooms and bathroom with conservatory extension to the rear.
10. Garden areas are situated to the front and rear, together with off street parking to the side, giving access to a single offset garage used for storage purposes. The front garden provides an easy to maintain landscaped area, whilst to the rear there is privacy fencing with flower borders and patio.
11. The Property is fitted with all mains services.

Submissions

12. The Housing act 1988 ("the Act") provides, at section 13 (4), that where a notice of a proposed increase to the rent is served in respect of a tenancy to which section 13 (1) (a) or (b) applies, then the tenant may refer the matter to a tribunal which may, pursuant to section 14 of the Act, determine the rent at which the tribunal considers that the dwelling house concerned might reasonably be expected to be let in the open market by a willing landlord under an assured tenancy taking into account those matters set out at sections 14 (1) (a) – (d).

13. In his submission to the tribunal, the applicant sought to put into evidence several items which could properly be described as items of disrepair at the property. In considering those submissions the tribunal took account of each item at the time of its inspection on the 8th September 2021. At the time of the inspection, the repairs had largely been carried out by the landlord.
14. The Applicant also submitted that he had made an offer to increase the rent to £570 per month but the Respondent had not replied to that offer.
15. The Respondent sought to assert that the proposed rent was the correct market rent for a property of this type and in this location. In support of that submission, he included a number of comparable properties which had recently been advertised for letting in the area of the subject Property. They ranged from between £595 per month to £650 per month.
16. The Respondent also referred to a similar property which he had recently purchased at 15 Redwood Drive, Rhyl, LL18 3RU. He said that this had been let at a rent of £600 per month. The tribunal inspected this property externally.

Deliberations.

17. The tribunal was satisfied that the landlord's notice proposing a new rent was valid.
18. Following the inspection and after considering the evidence, the tribunal concluded that none of the submissions made by the Applicant had any material bearing upon the rental value of the Property. The repairs had largely been carried out. There was outstanding damage to two windows where the double glazing had failed but these were at high level and did not affect the level of rent which could have been obtained.
19. The tribunal considered the comparable evidence that was put forward by the Respondent. They all provided a useful guide to the market rent for a property of the type under consideration. The rental values of the comparable properties ranged from £595 - £650 per month.
20. However, the tribunal determined that the best comparable property was the property recently purchased by the Respondent at 15 Redwood Drive and let for £600 per month. It was similar in type to the subject property and geographically was situated near to the subject Property.
21. However, the property at 15 Redwood drive was slightly larger than the Property at Cypress Grove.

22. Accordingly, to reflect the difference in size the tribunal determines the rent for 2 Cypress Grove, Rhyl, Denbighshire, LL18 3SD is £595 per month with such increase taking effect from the 9th July 2021.

Dated this 8th day of September 2021.

A Grant
Chairman