


Rent Assessment Panel for Wales**Notice of the Rent Assessment
Committee Decision**File Reference Number:
RAC/0028/12/22

Address of Premises 13 A Haig Place, Ely, Cardiff, CF5 4PF	The Committee members were Mr T Lloyd (Chairman) Mr R Baynham FRICS (Surveyor)
(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.	£122.50 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.	28 th February 2023
(3) The rent is not to be registered as variable.	
(4) The amount for services is:	N/A
(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>28th February 2023</u>	 Chairman
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	

TRIBIWNLYS EIDDO PRESWYL
RESIDENTIAL PROPERTY TRIBUNAL
RENT ASSESSMENT COMMITTEE

Reference: RAC/0028/12/22

Property: 13A Haig Place, Ely, Cardiff, CF5 4PF

Landlord: Wales & West Housing Association Ltd

Tenant: Mr Peter Bowen

Committee: T Lloyd, Chairman
R Baynham FRICS, Surveyor

Reasons for the Decision of the Rent Assessment Committee

1. We were duly convened as a Rent Assessment Committee on 28th February 2023 under the provisions of the Rent Act 1977.

The Reference

2. We had before us a reference from the Rent Officer (Wales) in respect of 13A Haig Place, Ely, Cardiff, CF5 4PG ("the Property"). Mr Peter Bowen (hereinafter referred to as the Tenant) had appealed a rent of £118.50 per week effective from 28th November 2022.
3. As a result of the Tenant objecting to the registration the matter was referred to this Committee.
4. Wales & West Housing Association Ltd ("hereinafter referred to as the Landlord") made an application dated 1st December 2022 for registration of a fair rent of £140.52 per week.
5. The Rent Officer proceeded to determine the fair rent as £118.50 per week.
6. The Tenant sent the Rent officer Helpdesk an e-mail at 10:45 AM on the 8th of November 2022 in the following terms:

"Objection to rent increase

Have suffered for many years with neighbours children upsetting me with footballs against house Gable wall adjacent to pavement/road, into garden reverberating throughout house rooms causing insufferable noise.

Have also issues getting repairs done and house being cold and draughty".

The Inspection

7. The Surveyor Member (Mr R Baynham FRICS) attended at the Property on the morning of 28th February 2023 at 10.15 and waited until 11.00am. Despite being informed of the visit beforehand no one answered the door and as a consequence the Committee was only able to examine the exterior of the property. Similarly, the Landlord had been notified of the date and time of the inspection but did not attend.
8. From the external inspection, details comprised in an earlier decision in 2017 (Reference RAC/0023/01/17) resulting from an inspection then and with reference to the information provided by the Rent Officer it is clear that the property comprises a semi-detached end of link house constructed approximately 30 years ago. It is located to the West of Cardiff in a cul de sac and is within relatively easy reach of local facilities. All other amenities are available in the city centre approximately 4 miles distant.
9. The property is conventionally constructed having brick external walls, a tiled roof, and double-glazed windows and doors.
10. The front garden is laid in lawn with a paved path leading to the front door and is enclosed by an open galvanized steel fence. The rear garden consists of a paved patio and a lawn with a hard standing area for two vehicles.

11. The ground floor consists of an entrance hall with a separate cloak room with wash hand basin and WC, a through lounge / dining room and a kitchen. The first floor comprises a landing, two double bedrooms a single bedroom and a former bathroom which has been converted into a wet room with a walk-in shower, wash hand basin and WC. The property has the benefit of full gas central heating.

The Hearing

12. The matter proceeded by way of a paper determination as no response was received from the Tenant in relation to undertaking a virtual CVP hearing based upon the Tenant's comments as set out in paragraph 6 of this decision notice and the Landlord's written comments in relation to the Rent Officer's Documents in the following terms:

"Due to the Pandemic, the previous increase was in June 2019. I didn't think £6.50 is unreasonable after three years as this was applied from 28 November 2022."

The Decision

13. As the Committee was not able to view the interior of the property it is not possible to comment on the standard of decoration or repair.
14. The Committee is required by Section 70 of the Rent Act 1977 to disregard the personal circumstances of the parties, any disrepair or other defects ascertainable to a failure by the Tenant under the terms of the Tenancy and any improvements carried out by the Tenant other than as required by the Tenancy.
15. The Committee is also required to have regard to the Rent Acts (Maximum Fair Rent) Order 1999 (the Maximum Fair Rent Order), which places a cap on the permissible amount of increase of fair rent between one registration and a subsequent registration. The cap is based upon the amount of increase in the Retail Price Index between the dates of the respective registrations.
16. The starting point for assessing a fair rent under Section 70 of the Rent Act 1977 is to establish the market rent for the Property. Thereafter a number of adjustments are made to reflect the requirements of Section 70 of the Rent Act 1977.
17. The Rent Officer has provided information on the range of rents for similar properties in the locality of £141.07 to £195.52 per week. The Rent Officer considered the market rent to be £161.10 which is just above the mid-point of the range. Neither the Tenant nor Landlord provided any comparable rental evidence. The Committee mindful of all the evidence before it and utilising its own experience and expertise and having regard to all the requirements of Section 70 of the Rent Act 1977 agree with the Rent Officer's figure of £161.10 as the starting point.
18. As regards scarcity, the Rent Officer made a deduction of 18%. We do not agree with that figure and place it at 15% which also accords with other Tribunal decisions in the area. In addition, the Committee concur that a deduction of £12.00 is reasonable in respect of the carpets and curtains provided by the Tenant and a £5.00 deduction in relation to the age and character of the property.

Calculations in Respect of the Decision

19. Applying the above findings and conclusions we determine the fair rent as follows:

Market rent (per week)	£161.10
Less adjustments	
Lack of Central Heating	£ 0.00
Carpets / Curtains	£ 12.00
Basic Kitchen / Bathroom	£ 0.00
Age / Character	£ 5.00
Double Glazing	£ 0.00
<u>Adjusted market rent</u>	<u>£144.10</u>
Deduction for scarcity at 15%	£ 21.62

Total £122.48

Fair Rent (Adjusted to nearest 50p) £122.50

20. The Tenancy is subject to the Rent Act (Maximum Fair Rents) Order 1999. The maximum fair rent under this order is capped at £145.00 per week.
21. Accordingly, as the order does not apply, we record that the maximum fair rent for the Property is £122.50 per week.
22. For the purposes of the Rent Act 1977 (as amended) it is recorded that the decision was made on the 28th February 2023.

Dated this 28th day of February 2023



Tribunal Judge T Lloyd