

Rent Assessment Panel for Wales**Notice of the Rent Assessment
Committee Decision**File Reference Number:
RAC/0016/09/23

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| Address of Premises: 3 Rowan Court Ely Road Llandaff CardiffCF5 2JB | The Committee members were: Ms. Tonya Richards-Clarke (Chair) Mr. Roger 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. | £ 124.60 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 February 2024 |
| (3) The rent is not to be registered as variable. | |
| (4) The amount for services is: | £4.60 |
| (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>6 February 2024</u> | Chair: <i>TE Richards-Clarke</i> |
| 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 | |

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RESIDENTIAL PROPERTY TRIBUNAL
RENT ASSESSMENT COMMITTEE**

Reference: RAC/0016/09/23

Property: 3 Rowan Court, Ely Road, Llandaff, Cardiff, CF5 2JB

Landlord: Wales & West Housing Association

Tenant: Mrs C Allen

Committee: Ms TE Richards-Clarke (Chair)
Mr Roger Baynham FRICS (Surveyor)

Decision of the Rent Assessment Committee

The Tribunal determines that the fair rent payable for the property is £124.60 per week. The new rent is payable from 6 February 2024.

Reasons for the decision

Background

1. This matter concerns a reference from the Rent Officers Wales in respect of 3 Rowan Court, Ely Road, Llandaff, Cardiff, CF5 2JB (“the Property”).
2. Mrs. C Allen (the “Tenant”) has rented the property since 1 May 1980.
3. The previous rent, registered on 10 September 2021, was £103.50 per week. Wales & West Housing Association (the “Landlord”) proposed a new rent of £128.21 per week. Rent Officers Wales assessed the rent as £103.50 per week on 7 August 2023. This was appealed by the landlord.
4. Accordingly, the matter was referred to this Committee by the Rent Officer on 7 September 2023.

The Inspection

5. An inspection of the property was carried out by both Committee members on the morning of 6 February 2024. There was no attendance on or on behalf of the Applicant

who was aware of the date and time of the inspection. The Respondent, Mrs. C. Allen was present.

6. The property comprises a purpose built flat located on the second floor on a development of 40 units of similar type 1 bedroom, 2 bedroom and maisonettes and were built approximately 45 years ago. The entire development is conventionally constructed having brick cavity walls, a tiled roof and Upvc double glazed windows and doors.
7. The subject property is on the second floor and access is gained by an open plan staircase. The accommodation comprises an entrance hall with two recessed cupboards, a living room with a door providing access to an open balcony, a kitchen with a stainless steel sink unit and adequate base and wall units, a double bedroom with a fitted wardrobe (provided by the Respondent), a bathroom having a bath with shower over, wash hand basin and a w/c. The property has the benefit of gas central heating.
8. The gardens for the entire development are maintained by the Applicant and comprise mainly of lawn with shrubs and there are several bin stores. The property does not have a garage but there is hard standing for vehicles although these are not designated to any particular property.
9. The Respondent has maintained the property to a good standard but was concerned about the cleaning and maintenance of the communal staircase.

The Law

10. When determining a fair rent the Committee, in accordance with Section 70 of the Rent Act 1977 ("the Act"):
 - a. has regard to all the circumstances (other than personal circumstances) including the age, location, and state of repair of the property;
 - b. disregards the effect on the rental value of the Property of (a) any relevant tenant improvements; and (b) any disrepair or other defect attributable to the tenant or any predecessor in title under the regulated tenancy;
 - c. assumes (as required by Section 70(2) of the Act) that, whatever might be the case, the demand for similar rented properties in the locality does not significantly exceed the supply of such properties for rent. In other words, the Committee must make certain assumptions regarding scarcity and demand for rental properties in the area.
11. In Spath Holme Ltd -v- Chairman of the Greater Manchester etc. Committee (1995) 28 HLR 107 and Curtis -v- London Rent Assessment Committee [1999] QB 92, the Court of Appeal emphasised that Section 70 of the Act means that ordinarily a fair rent is the market rent for the subject property discounted for "scarcity"; and that for the purposes of determining the market rent, assured tenancy (market) rents are usually appropriate comparables (although these rents may need to be adjusted to reflect any relevant differences between these comparables and the subject property (e.g. furnished and unfurnished)).

12. Accordingly, once the market rent for the Property has been determined pursuant to Section 70 of the Act, that rent must then be adjusted, where necessary, for any differences between the relevant comparables and scarcity.
13. 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 Prices Index between the dates of the respective registrations.
14. By virtue of Section 72 of the Act, the registration of the rent takes effect from the date upon which the Committee reached its decision. In this case, that date is 6 February 2024. The Committee is unable to backdate a new registered rent by virtue of this provision.

Committee's Assessment of the Rent

15. The starting point in assessing rent under Section 70 of the Act is to establish the market rent for the Property. To that market rent, a number of adjustments are made to reflect the requirements of Section 70 of the Act.
16. Neither the Landlord nor the Tenant provided evidence as to rent of other similar properties in the locality. The Committee, having made its own enquiries, utilising its own experience and expertise, and having regard to all the requirements of Section 70 of the Act, find that the market rent for the Property before the relevant deductions (as outlined below) is £625.00 per calendar month.
17. From this the Committee has deducted £10.00 to reflect the condition of the carpets and curtains in the property. A further £5.00 was deducted to account for the general overall condition of the Property.
18. As regards scarcity, the appropriate deduction in this instance is appropriate at 15%.
19. This produces a rent of £518.50 per calendar month.

Calculations

20. Applying the Committee's findings and conclusions, the Committee has determined the rent as follows:

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|-------------------------|--------|---------|
| Monthly Market Rent | | £625.00 |
| Less adjustments | | |
| Lack of Central Heating | £0.00 | |
| Carpets/Curtains | £10.00 | |
| Basic Kitchen/ Bathroom | £0.00 | |
| Condition | £5.00 | |

| | | |
|---------------------------------------|-------|----------------|
| Double Glazing Other (specify) | £0.00 | <u>£15.00</u> |
| Adjusted Market Rent | | £610.00 |
| Deduction for scarcity at 15% | | <u>£91.50</u> |
| Monthly Rent | | £518.50 |
| Weekly Rent (adjusted to nearest 50p) | | £120.00 |
| Add variable service charges | | <u>£4.60</u> |
| Fair Rent | | £124.60 |

21. The rent is the subject to the capping provisions of the Maximum Fair Rent Order. The maximum fair rent is capped at £131.60 inclusive of £4.60 services.
22. Accordingly, as the Order does not apply, we record that the fair rent for the Property is £124.60 per calendar month.
23. For the purposes of Section 72 of the Act (as amended) the decision was made on 6 February 2024.

Dated this 19th day of February 2024.

TE Richards-Clarke
Tribunal Judge