

**Y TRIBIWNLYS EIDDO PRESWYL**  
**RESIDENTIAL PROPERTY TRIBUNAL**  
**RENT ASSESSMENT COMMITTEE**  
**(Rent Act 1977)**

**Reference:RAC/0008/07/24**

**Property: First Floor Flat, 30 Tydraw Street, Port Talbot**

**Applicant: Mrs. Lynda Jones**

**Respondent: Mr. T. Williams**

**Committee: Colin Green (Chairman)  
Andrew Lewis FRICS (Valuer Member)**

**DECISION OF THE RENT ASSESSMENT COMMITTEE**

**A fair rent of £109.50 per week was determined by the Committee on 8 October 2024 with effect from the same date.**

**REASONS FOR DECISION**

**Preliminary**

1. On 4 June 2024, an application for registration of a fair rent for First Floor Flat, 30 Ty Draw Street, Port Talbot (“the Property”) was received by Rent Officers Wales from Mrs. Lynda Jones (“the Landlord”). Since 1977 the Property has been tenanted by Mr. T. Williams (“the Tenant”). There is no service charge.
2. A rent of £97.00 per week was determined by the Rent Officer on 12 July 2024 with effect from that date. The previous rent, registered on 21 April 2022, had been £90.00 per week
3. By an email sent to the Rent Officer on 16 July 2024, the Landlord objected to the registered fair rent; the Rent Officer then referred that objection to the Committee.
4. The Rent Officer also submitted details of rents for nearby properties on which he relied and a copy of the Landlord’s letter of objection.
5. The Committee invited written representations which have been received from the landlord, mentioned below. Neither party required a hearing so that the Committee’s determination took place via Microsoft Teams on 8 October 2024.

## **Inspection**

6. An inspection was carried out by Andrew Lewis, the valuer member, on the morning of 8 October 2024.

## **Situation and Description**

7. The Property is located on the first floor of a property originally constructed as a mid-terrace house in solid brick and stone walls under a pitched slate covered roof, and later converted into two flats, i.e. ground floor and first floor flats. The neighbourhood remains generally terraced housing located relatively close to the town centre.
8. Access into the flat is via a shared entrance lobby on the ground floor with a door at the foot of the staircase leading to the flat. On the first floor there is a lounge, two bedrooms, bathroom and kitchen. Outside the tenant has shared use with the ground floor tenant of a large single garage. All the window frames of the flat have been replaced with uPVC double glazed units, and the flat enjoys the benefit of gas central heating from a boiler located in the rear bedroom.
9. The Property was not in good repair and requires updating, in particular the kitchen and bathroom. A few ceilings were covered with polystyrene tiles which are a fire risk, and there was an absence of electrically operated smoke detectors. The fire escape is also dilapidated and in a dangerous condition. The Committee is concerned that the Property may not comply with the relevant fire regulations and an inspection by a fire officer is recommended. The property was let unfurnished and the carpets and curtains have been provided by the tenant. The internal area of the flat was 56.35 square metres.

## **Law**

10. When determining a fair rent the Committee, in accordance with the Rent Act 1977, section 70:
  - 10.1. Has regard to all the circumstances (other than personal circumstances) including the age, location, and state of repair of the property;
  - 10.2. 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;
  - 10.3. Assumes (as required by section 70(2)) 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.

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 means:
  - 11.1. that ordinarily a fair rent is the market rent for the subject property discounted for “scarcity”, and
  - 11.2. that for the purposes of determining the market rent, rents under occupation contracts regulated by the Renting Homes (Wales) Act 2016 are usually appropriate comparables. (These rents may have to be adjusted where necessary to reflect any relevant differences between these comparables and the subject property).
12. Thus, once the market rent for the Property has been determined by the exercise above, that rent must be adjusted, where necessary, for any scarcity.
13. The Committee must also consider the application of the provisions of the Rent Acts (Maximum Fair Rent) Order 1999 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.
14. By virtue of section 72 of the 1977 Act, the registration of the rent takes effect from the date when the Committee reached its decision, in this case: 8 October 2024.

### **Representations**

15. The only written representations received were from the Landlord, which contend that in current market conditions flats can be let at a minimum of £125.00 per week. No comparables were provided.

### **Assessment of the rent**

16. The starting point in assessing a rent under section 70 of the 1977 Act is to establish the market rent for the Property. To that rent a number of adjustments are made, to reflect the requirements of section 70. As stated above at paragraph 11.1, the Committee is constrained from considering the personal circumstances of the parties by law.
17. The Committee determined what rent the Landlord could reasonably be expected to obtain for the property in the open market if it were let now in the condition that is considered fit and usual for such an open market letting. The Rent Officer had provided information on a range of rents for two-bedroom properties at Trinity House, Tydraw Street ranging between £475.00 and £675.00 per month. In addition, the Committee had regard to an asking rent of an attic flat on Station

Road of £575.00 per month. Considering all the evidence, using the Committee's own skill and expertise, and having regard to the size and location of the Property, it is of the view that £650.00 per month is the appropriate market rent.

18. From this the Committee has deducted £10.00 to reflect that in the open market carpets and curtains would be included and another amount of £10.00 to allow for necessary improvements required to the kitchen and bathroom. As regards the condition of the Property set out above, the Committee makes a deduction of £65.00. This produces an adjusted figure of £565.00 per month.
19. On the issue of scarcity, the Committee considers a 10 per cent deduction of £56.50 is appropriate. These adjustments produce a weekly rent of £117.35, rounded up to £117.50 per week.
20. The rent is subject to the capping provisions of the 1999 order. After effecting the appropriate calculation, the Committee determined that the fair rent assessed above was more than the maximum fair rent for the Property, which was calculated to be £109.50 per week. Accordingly, it is that lower figure which is the fair rent.

Dated this 8<sup>th</sup> day of October 2024  
Colin Green  
Chairman