

Y TRIBIWNLYS EIDDO PRESWYL
RESIDENTIAL PROPERTY TRIBUNAL
RENT ASSESSMENT COMMITTEE

Reference: RAC/0014/10/24

In the matter of First Floor Flat, 224 Corporation Road, Grangetown, Cardiff, CF1 7AY.

In the matter of an Application under the Renting Homes (Wales) Act 2016 and the Renting Homes (Rent Determination) (Converted Contracts) (Wales) Regulations 2022.

Tribunal Judge: Mrs B MacQueen

Surveyor member: Mr A Weeks, MRICS

Date and Venue of Hearing: 22 January 2025 (on the papers)

APPLICANTS: Ahmed Topkev and Fatme Topkeva

RESPONDENT: Hafren Properties

SUMMARY DECISION

The tribunal determines that with effect from 1 December 2024 the rent in respect of the Property is determined as being £800 per calendar month.

REASONS FOR THE DECISION

Background

1. The Applicants, Ahmed Topkev and Fatme Topkeva, occupy the property known as First Floor Flat, 224 Corporation Road, Grangetown, Cardiff, CF1 7AY (the Property).
2. The Applicants entered into occupation of the Property on or around 20 September 2012. From 20 October 2013 until 19 April 2014 they entered into an assured shorthold tenancy at a rent of £600 per calendar month.
3. Once the fixed term of the tenancy had ended, a statutory periodic tenancy arose because the Applicants remained living in the Property and the landlord accepted the rent they paid.

4. The Renting Homes (Wales) Act 2016 (“the 2016 Act”) was implemented on 1 December 2022. As a result of this, the Applicants’ statutory periodic tenancy was automatically converted to a periodic standard contract, and this is the basis upon which the Applicants currently occupy the Property.

The Application

5. The Respondent served on the Applicants a Notice of Variation of Rent in form RHW12 dated 12 September 2024 pursuant to section 123(1) of the 2016 Act (“the Notice”).
6. The Notice proposed a new rent of £1,100 per month in place of the existing rent of £900 per month from 1 December 2024.
7. By way of an application which was dated 13 October 2024, the Applicants made an application for determination of the rent to the tribunal in accordance with section 3 of the Renting Homes (Rent Determination) (Converted Contracts) (Wales) Regulations 2022 (“the 2022 Regulations”).
8. On 14 October 2024 the tribunal issued Directions which required the Respondent to provide submissions to justify the rent increase and the Applicants to provide submissions as to why in their view the rent proposed was too much.
9. The Applicants submitted written evidence; however, the Respondent did not provide any documentation.
10. The Applicants stated that they had had to replace nearly all of the furniture and that the white goods in the kitchen belonged to them. Further, the Applicants stated that they had repainted one of the bedrooms, the bathroom and part of the corridor.
11. In terms of the condition of the Property, the Applicants made a number of comments but in particular stated that the Property was damp. Additionally, the Applicants stated that a segment of the ceiling in bedroom 1 was boarded up and had remained unrepaired and that a door which had once led to external stairs had not been sufficiently secured. Further, the Applicants stated that the Property was dated and that the carpets were in need of replacement.
12. By way of comparables, the Applicants had provided three properties that were offered to rent between £900 and £1,100 per calendar month; however, the Applicants stated that these properties were in much better condition than the Property.

Inspection of the Property

13. The Surveyor Member, Mr A Weeks, inspected the Property on 22 January 2025, in the presence of both the Applicants. The Respondent did not attend. As a consequence of the site visit, Mr Weeks provided the tribunal with photographic evidence as to the condition of the property. No other evidence was taken during the site visit.
14. The Property comprises a 1st floor, 2-bedroom flat within a converted Victorian mid-terrace building. The building is of traditional brick construction beneath a pitched roof of concrete tiles with rear projecting element, and bay window to the front elevation. The windows are uPVC framed doubled glazed casements, fitted with trickle vents. The building has a forecourt to the front elevation, and a rear yard demised to the ground floor flat. The Property does not benefit from any private outside space.
15. The Property is accessed via a shared front door and small lobby, then through a private entrance leading to stairs to the 1st floor. Internally the flat is arranged across the entire 1st floor and provides a living room, a middle double bedroom, family bathroom, kitchen, and rear double bedroom. The ceilings are Artex or plaster, walls are papered or painted skim plaster, with tiles to wet areas; flooring is mainly carpet with tiles to wet areas. The carpet is dated, but appears in good condition with no visibly worn areas.
16. The kitchen is basic but functional and provides fitted wall and base units, electric oven with hob and hood, and laminate worktops. There is an exterior door to the kitchen wall (side elevation) which appears to have previously been used as an egress point via external stairs, but these are no longer in situ.
17. The bathroom is also basic, providing a bath with shower, WC and basin. The bathroom window appears to have been replaced recently, but with a window that is too small for the opening and poor workmanship has been deployed to attempt to fill the frame surround unsuccessfully, leaving a gap between wall and frame. There is a working extractor fan.
18. Heating and hot water is provided by way of a gas-fired combination boiler. The property has an EPC rating of D. Smoke detectors and CO alarm are present.
19. There is damp throughout the Property, but the worst affected areas are the front room and bathroom, but there is also damp evident in both bedrooms, the kitchen and the hall.
20. Overall, the property is tired, but fairly typical of the local area, and internally the flat is dated. The bathroom and kitchen would both benefit from updating, but the flat is being well kept by the tenants.

Determination

21. The tribunal has considered the Notice, which is not in dispute. The tribunal is satisfied that the Notice complies with the requirements of section 123 of the 2016 Act.
22. The tribunal has therefore determined the rent at which the Property might reasonably be expected to be let at in the open market by a willing landlord under an occupation contract of the same type as the relevant converted contract having regard to the assumptions set out in regulation 6 of the 2022 Regulations.
23. The Surveyor member's inspection of the Property identified damp throughout the Property, particularly affecting the front room and bathroom, but also evident in both bedrooms, the kitchen and the hall. In addition, the unrepaired segment of the ceiling in bedroom 1, the ill fitted window in the bathroom, and the tired appearance of the Property are all factors relevant to the decision. None of these items of disrepair are attributable to the Applicants' failure to comply with the relevant converted contract.
24. The tribunal has considered the comparable evidence put forward by the Applicants and has also considered other comparable properties. From this analysis, the tribunal considers that if the Property were in good and substantial repair, the Property could achieve rent of £1,100 per calendar month on the open market, which is what the Respondent proposes the new rent to be.
25. However, the Property is not in a state of repair to achieve the level of rent sought by the Respondent. Therefore, on the basis that there is damp throughout the Property (especially in the front room and bathroom), and taking into account the condition of the Property as outlined above at paragraph 23, the tribunal considers that the rent should be £800 per calendar month. The tribunal finds that this is the amount that would be achieved on the open market with the Property in the condition that it was in at the time of the inspection.
26. The tribunal using its own experience and expertise therefore determines the appropriate rental level to be £800 per calendar month.

Judge B. MacQueen

Dated: 22 January 2025