

Rent Assessment Panel for Wales

Notice of the Rent Assessment Committee Decision		File Reference Number: RAC/0035/10/14
Address of Premises 11 Lon y Ffrith Off Clarence Road Llandudno LL30 1TX	The Committee members were J D M Jones T Daulby	
(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.	£84.50 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.	22 nd January 2015	
(3) The rent is not to be registered as variable.		
(4) The amount for services is:	Nil	
(5) The amount for fuel charges (excluding heating and lighting of common parts) not counting for rent allowance is:	Ni	
(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:		
Date of decision: 22 nd January 2015	Chairman 	
<p>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.</p>		
(8) The uncapped fair rent was: £85.00		

Y Tribiwnlys Eiddo Preswyl
Residential Property Tribunal
Rent Assessment Committee

Reference: RAC/0035/10/14 – 11, Lon y Frith, off Clarence Road, Llandudno, LL30 1TX

In the matter of an application under the Rent Act 1977 (as amended)

Landlord: North Wales Housing Association

Tenant: Miss E M Townley

Committee: J D M Jones, Chairman

T Daulby, Surveyor

Reasons for the decision of the Rent Assessment Committee

1. We were duly convened as a Rent Assessment Committee on 22nd January 2015 under the provisions of the Rent Act 1977.

The Reference

2. We had before us a reference from the Rent Officer for Wales in respect of 11, Lon y Ffrith off Clarence Road Llandudno (the Property) The Rent Officer had determined a fair rent of £83 per week for the Property registered on and effective from 15th September 2014.

3. By letter dated 26th November Miss E M Townley (the Tenant) objected to the registration and accordingly the matter was referred to this committee, an order having been made on 24th October 2014 that the matter proceed notwithstanding that the objection had been received out of time.

4. The North Wales Housing Association (the Landlord) had made an application dated 20th May 2014 for registration of a Fair Rent of £76 per week. The application indicated that the current rent was £67 per week although the rent register stated that the Fair Rent registered on 8th August 2011 was £74.50 per week

The Inspection

5. The Committee inspected the Property on the morning of 22nd January 2015. The inspection took place in the presence of the Tenant

6. The Property is located on a modern residential development near to the centre of Llandudno with its many excellent facilities. It is conveniently positioned close to schools and transport routes.

7. The Property is semi detached, brick built under a tiled roof. There is a car parking space within the curtilage. The accommodation comprises an entrance hall, living room, kitchen and storage area on the ground floor. Upstairs is a landing 2 bedrooms, bathroom and storage space. There was evidence of ingress of water in the living room. The Property has full gas central heating and double glazing. It is connected to all main services. It has a pleasant rear garden and there is some outside storage space. The Property has been well maintained by the Tenant who has carried out many improvements including a fitted kitchen and new flooring on the ground floor and new

storage cupboards upstairs. The Property is well decorated. The Property provides good family accommodation. Carpets, curtains and furniture are provided by the tenant.

Representations

8. The Tenant made written representations in a letter dated 26th November 2014. She considered the rent increase to be excessive in the current economic climate. She referred to the improvements which she has carried out (and which we observed on our inspection of the Property).

The decision

9. The parties did not request a hearing and we have reached our decision based on our inspection of the Property and on the papers before us. These papers include copies of the Rent Register, the Rent Officer's working papers, the Application dated 20th May 2014 and the Tenant's written representations.

10. The Committee find that the Property provides good modern family accommodation in a pleasant residential area close to the centre of the seaside town of Llandudno. It is connected to all mains services, it has full gas central heating and double glazing. The Tenant has kept the Property in very good order although she is waiting for the Landlord to deal with a water leak in the living room.

11. We are required by S70 of the Rent Act 1977 to disregard the personal circumstances of the parties, any disrepair or other defect attributable 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.

12. We are further required to assume that the number of people seeking to become tenants of similar properties in the area on terms identical to this tenancy (save as to rent) is not substantially greater than the number of such properties which are available to rent on such terms. The matter of scarcity is dealt with later in these reasons.

13. We are also required to have regard to the Rent Acts (Maximum Fair Rent) Order 1999 (the Maximum Fair Rent Order). This places a cap on the on the permissible amount of the increase of a fair rent between one registration and the next. This cap is based on the amount of increase in the Retail Prices Index between the dates of the two registrations

14. The starting point for assessing a fair rent under S70 Rent Act 1977 is to establish the market rent for the Property .A number of adjustments are then made to reflect the requirements of S70 of the Rent Act 1977

15. We had no evidence from the parties as to the rent of other similar properties in the locality although the Rent Officer provided a list of rented properties in Penrhynside, Penrhyn Bay and Llandudno. However we were no given descriptions of those properties or the rents achieved. Accordingly we have used our own skill and expertise and having regard to the requirements of S70 of the Rent Act 1977 we consider that the market rent for the Property is £110 per week.

16. It is noted that the Tenant has upgraded the kitchen and has improved the bathroom and we have made adjustments to reflect this. In addition the Tenant has provided carpets and curtains which would usually be included in a tenancy of this type and a further adjustment has been made in this regard

17. The Rent Officer has made a deduction in respect of scarcity. We agree with him that there is scarcity and that an appropriate deduction is 15% which is in line with other tribunal decisions in the area.

Calculations

18. Applying our findings and conclusions we determine the fair rent as follows:

Market rent (per week		£110
Less adjustments		
Carpets and curtains	£5	
Basic kitchen & bathroom	£5	
Adjusted market rent		£100
Deduction for scarcity 15%		£15
Fair rent		£85

19. The tenancy is subject to the Rent Act (Maximum Fair Rents) Order 1999. The maximum fair rent under this order is £84.50 per week. Our calculation is set out in the Schedule.

20. As the Order applies we record that the fair rent for the Property is £84.50 per week

21. It is recorded for the purposes of the Rent Act 1977 (as amended by the Rent Act 1980) that this decision was made on 22nd January 2015

DATED this 17th day of February 2015



CHAIRMAN

THE SCHEDULE

CALCULATION OF "MAXIMUM FAIR RENTS"

Ref
No:- RAC/0035/10/14

ADDRESS 11 Lon y Frith, Off Clarence Road,
Llandudno

DATE 22nd January
2015

R.P.I. figures are :-

(a) Present R.P.I. (published last month) 257.5

(b) R.P.I. for month of last registration 236.1

CALCULATION

Present R.P.I. (a) 257.5

Less R.P.I. at last registration (b) 236.1

(c) 21.4

Divide result by R.P.I. at last registration i.e. (c) by (b)

(c) 21.4 equals 0.083
(b) 236.1

(see note) Add 0.075 or 0.05 0.05

Add 1 0.133
1.00
1.133

Multiply by last registered rent
net of variable services

Last registered rent £74.50

Less variable services - £ 84.4

Round UP to nearest 50p £ 84.5

Add variable services fixed by Committee £ 50 wk/cm/pa

£ 84 50

MAXIMUM FAIR RENT £84.50 per wk inclusive of £ for
Services

(The Committee assessed a fair rent of £85.00 per wk)

NOTE :- if this is NOT the first application for registration after 1st February 1999 add 0.05.

Add 0.075 if first registration after the limit was introduced.