


Rent Assessment Panel for Wales

**Notice of the Rent Assessment
Committee Decision**File Reference Number:
RAC/0036/10/14 – Haig Place

Address of Premises 13A Haig Place Ely Cardiff CF5 4PF	The Committee members were Mr. S Povey (Chairman) Mr. R Baynham
(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.	£98.50 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.	23 rd February 2015
(3) The rent is 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:	nil
(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: <u>23rd February 2015</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: £104.50 per week	

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RESIDENTIAL PROPERTY TRIBUNAL

RENT ASSESSMENT COMMITTEE (Rent Act 1977)

Reference: RAC/0036/10/14 – Haig Place

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

Landlord: Wales & West Housing Association Limited

Tenant: Peter Bowen

COMMITTEE: Mr S A Povey
Mr R W Baynham FRICS

DECISION OF THE RENT ASSESSMENT COMMITTEE

The registered rent for 13A Haig Place, Ely, Cardiff is determined at £98.50 per week.

The registration of the rent takes effect from 23rd February 2015.

REASONS FOR THE DECISION OF THE RENT ASSESSMENT COMMITTEE

1. The Applicant, Peter Bowen, is the Rent Act protected tenant of 13A Haig Place, Ely, Cardiff CF5 4PF ('the property'). The landlord and Respondent is Wales & West Housing Association Limited ('Wales & West').
2. On 29th July 2014, Wales & West applied under s.67 of the Rent Act 1977 for the registration of a fair rent of £107.57 per week. The rent had previously been registered upon determination on 12th March 2012 at £94 per week.
3. Pursuant to Wales & West's application, the rent officer registered a rent of £98.50 per week on 8th October 2014.
4. By an email dated 14th October 2014, Mr Bowen objected to the rent officer's determination. On 22nd October 2014, and by reason of Paragraph 6, Schedule 10 to the Rent Act 1977, the rent officer referred the matter to the Rent Assessment Committee ('RAC').
5. Mr Bowen's objections to the increased rent related in part to allegations regarding Wales & West's management of the property. In particular, Mr Bowen complained of the delay and incompetence in works carried out on behalf of Wales & West to his kitchen. Reference was also made to problems with the boiler in the property.

6. In response, Wales & West rejected Mr Bowen's claims of incompetence and claimed that they had had to serve a Notice of Seeking Possession to gain access to the property to undertake works. They indicated that they did not propose to attend the hearing of Mr Bowen's appeal.
7. An inspection and hearing were arranged for 15th January 2015. However, it was unclear whether Mr Bowen had in fact withdrawn his appeal. As such, the matter was adjourned to 23rd February 2015, with the parties being informed that the appeal would proceed even if access to the property was not provided.

The Inspection

8. The RAC was unable to gain access to the property on 23rd February 2015. Neither Mr Bowen nor Wales & West attended the subsequent hearing.

The Law

9. Section 70 of the Rent Act 1977 sets out the factors to be considered when determining a fair rent. In particular, and of relevance to this application, we are required to have regard to the age, character, locality and state of repair of the property.
10. At the same time, s.70 requires us to disregard:
 - 13.1. The personal circumstances of the parties;
 - 13.2. Any disrepair or other defect attributable to a failure by Mr Bowen under the terms of the tenancy;
 - 13.3. Any improvements carried out by Mr Bowen, other than as required under the tenancy
11. We must also assume that the number of people seeking to become tenants of similar properties in the area on terms identical to Mr Bowen's tenancy (save as to rent) is not substantially greater than the number of such properties which are available to rent on such terms. In other words, we must make certain assumptions regarding scarcity and demand.
12. In addition, further regulation of Rent Act rents is provided by the Rent Acts (Maximum Fair Rent) Order 1999 ('the Maximum Fair Rent Order'), 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.
13. By virtue of section 72 of the Rent Act 1977, the registration of the rent takes effect from the date when we as a Committee reached our decision.

Findings of Fact & Conclusions

14. Mr Bowen's allegations regarding Wales & West's management of the property had been considered by the rent officer. The rent officer also had the benefit of inspecting the property. In the absence of any further evidence, either of the condition of the property or otherwise, we can find no basis to vary the rent officer's determination.
15. We therefore adopt the rent officer's calculations and determine the rent at £98.50 per week.
16. Under the Maximum Fair Rent Order, the capped fair rent is £104.50 per week. As the rent we have determined does not exceed the maximum fair rent, the Order does not apply.

Conclusion

17. The fair rent for the property is determined at £98.50 per week.
18. The registration of the rent takes effect from 23rd February 2015, the date we reached our decision.

Dated 23rd February 2015



Stephen Povey
Chairman