


**Rent Assessment Panel for Wales**

<b>Notice of the Rent Assessment Committee Decision</b>		File Reference Number: RAC/0021/04/14 Bath Villas
Address of Premises:  22 Bath Villas Morrison Swansea SA6 7AN	The Committee members were:  S. Povey P. Lucas	
(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.	£80.50 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.	2 <sup>nd</sup> July 2014	
(3) The rent is not to be registered as variable.		
(4) The amount for services is:	N/A	
(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>2<sup>nd</sup> July 2014</u>	Chairman: 	
<b>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.</b>		
(8) The uncapped fair rent was: £91.00		

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

**Reference:** RAC/0021/04/14 Bath Villas

**Property:** 22 Bath Villas, Morriston, Swansea, SA6 7AN

**Landlord:** Family Housing Association (Wales) Limited

**Tenant:** Ms S Wilkins

**COMMITTEE:** S. Povey  
P. Lucas

**REASONS FOR THE DECISION OF THE RENT ASSESSMENT COMMITTEE**

The registered rent for 22 Bath Villas, Morriston, Swansea, SA6 7AN is determined at £80.50 per week.

The registration of the rent takes effect from 2<sup>nd</sup> July 2014.

**Background**

1. The Applicant, Family Housing Association (Wales) Limited ('FHA') is the landlord of 22 Bath Villas, Morriston, Swansea SA6 7AN ('the property'). The tenant and Respondent is Ms Wilkins. The tenancy of this property began on 5<sup>th</sup> May 1997. Ms Wilkins transferred to this property from previous FHA tenancies in 1986 and 1987. The tenancy is therefore a secure tenancy pursuant to the Housing Act 1985 (the landlord being a housing association and the chain of tenancies between FHA and Ms Wilkins having continued unbroken since before the advent of the assured regime in February 1989). By virtue of sections 86 and 87 of the Rent Act 1977, the fair rent regime applies to this tenancy.
2. On 30<sup>th</sup> January 2014, FHA applied under s.67 of the Rent Act 1977 for registration of a fair rent. The rent had been £72 per week since the last registration in March 2012. FHA sought a new rent of £90.96 per week.
3. Pursuant to that application, the rent officer registered a rent of £79.50 per week effective from 10<sup>th</sup> March 2014.
4. By a letter dated 25<sup>th</sup> March 2014, FHA objected to the rent officer's determination. By reason of Paragraph 6, Schedule 10 to the Rent Act 1977, the rent officer referred the

matter to the Rent Assessment Committee of the Residential Property Tribunal ('the Tribunal').

5. The Applicant was content for the matter to be determined without a hearing. The Respondent also confirmed that she was similarly content for the matter to be determined without a hearing.

### **The Inspection**

6. The Tribunal inspected the property on 2<sup>nd</sup> July 2014 in Ms Wilkins' presence. There was no attendance by FHA.
7. The property comprises a semi-detached two storey dwelling house of a mid-1960's design set in an elevated position within the Morrision area of Swansea enjoying pleasant townscape and distant rural views from parts of the first floor accommodation. Local shops and other amenities are within reasonable walking distance whilst Swansea city centre is four miles away. The property is of traditional cavity wall construction with facing brick and white spar rendered elevations under an interlocking concrete tiled roof. A front extension has dressed block work elevations under a flat mineral felt roof covering. There are Upvc double sealed windows throughout.
8. The accommodation briefly comprises:

#### **8.1. Ground floor**

Entrance hall with under stairs stores; lounge/dining room with Upvc double sealed window and external door, two radiators, attractive laminate flooring installed by tenant; kitchen containing an attractive array of fitted base units and wall cupboards with Worcester wall mounted condensing combination central heating boiler, radiator and double sealed window; utility room with double sealed window and radiator;

#### **8.2 First floor**

Landing approached via a staircase from the entrance hall; bathroom with twin grip panel bath and shower fitting, pedestal hand basin, low flush WC, double sealed window, radiator and airing cupboard with radiator; bedroom no.1 with radiator and double sealed window; bedroom no.2 with extensive town and rural views, radiator and double sealed window; bedroom no.3 with pleasant views, radiator and double sealed window;

#### **8.3 Outside**

To the front of the property is a concrete court with adjacent driveway leading to the semi-detached garage having up and over door, rendered walls and flat fibre glass roof covering; the rear court garden which is partly paved is completely enclosed; the external floor area of this particular dwelling extends to approximately 97.27 square metres.

9. The property was in excellent decorative order internally. Externally it was noted that the rear garden had subsided slightly.
10. Following the inspection, the Tribunal convened to consider its decision. Neither party chose to attend the said hearing.

### **The Law**

11. 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.
12. At the same time, s.70 requires us to disregard:
  - 12.1. The personal circumstances of the parties ;
  - 12.2. Any disrepair or other defect attributable to a failure by Ms Wilkins under the terms of the tenancy;
  - 12.3. Any improvements carried out by Ms Wilkins, other than as required under the tenancy
13. We must also assume that the number of people seeking to become tenants of similar properties in the area on terms identical to Ms Wilkins' 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.
14. 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.
15. By virtue of section 72 of the Rent Act 1977, the registration of the rent takes effect from the date when the Tribunal reached our decision.

### **Findings of Fact & Conclusions**

16. The starting point in assessing a rent under s.70 Rent Act 1977 is to establish the market rent for the property. To that rent, a number of adjustments are made, to reflect the requirements of s.70.
17. The rent officer had had regard to a range of rents for three bedroom properties in the SA6 postal area but we were not provided with the addresses of these properties. The rents ranged from £85 to £138 per week. Based upon that evidence, the rent officer set the market rent for the property at £115 per week.

18. Using our own skill and expertise, and having regard to the size and location of the property, we agreed with the rent officer's evaluation that £115 per week was a realistic market rent for this property.
19. We would expect carpets and curtains to usually be provided by the landlord in a rented property and therefore deduct £8 from the market rent, to reflect this (and the size of the property).
20. The overall condition of the property was good, with central heating and double glazing provided by FHA. We did not believe it justified to make any further deductions from the market rent.
21. We were satisfied that there is a degree of scarcity for this type of property, given its proximity to Swansea city centre and the university. As such, we made an adjustment of 15% to reflect this.

### Calculations

22. Applying our findings and conclusions, we determined the rent as follows:

	£	£
Market Rent		115.00
Less Adjustments (if appropriate)		
Lack of Central Heating	0.00	
Carpets/Curtains	8.00	
Basic Kitchen/Bathroom	0.00	
Condition	0.00	
Double Glazing	0.00	
Other (specify)	<u>0.00</u>	
	<u>8.00</u>	
Adjusted Market Rent		107.00
Deduct for Scarcity	15%	<u>16.05</u>
Fair Rent (excl services)		90.95
Add services (if any)		0.00
<b>Fair Rent (to nearest 50p)</b>		<b>91.00</b>

23. Under the Maximum Fair Rent Order, the capped fair rent is £80.11 per week, say £80.50 per week. As the rent we have determined exceeds the maximum fair rent, the Order applies.

**Conclusion**

24. The fair rent for the property is therefore capped £80.50 per week.

25. The registration of the rent takes effect from 2<sup>nd</sup> July 2014, the date we reached our decision.

DATED this 5<sup>th</sup> day of August 2014

A handwritten signature in black ink, appearing to read 'S A Povey', with a horizontal line underneath.

S A POVEY  
CHAIRMAN