

Rent Assessment Panel for Wales

Notice of the Rent Assessment Committee Decision	File Reference Number: 1034837
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Address of Premises 44 Trawler Road Swansea SA1 1XA	The Committee members were A.V.S. Lobley R. Davies H. M. Abraham
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(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.	£194.62 per Calendar Month (This amount excludes council tax and water rates but includes any amounts entered in boxes 3-5 below.)
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(2) The effective date is: The new rent will apply from this date.	27 th November 2012
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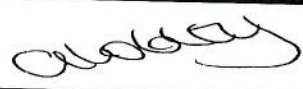
(3) The rent is not to be registered as variable.

(4) The amount for services is:	£78.32 per Calendar Month
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(5) The amount for fuel charges (excluding heating and lighting of common parts) not counting for rent allowance is:	N/A
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(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>27.11.12</u>	 <hr/> Chairman
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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: £N/A

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

Reference: 1034837

Property: 44, Trawler Road, Swansea SA1 1XA

Landlord: Places for People Homes

Tenant: Mr HK Griffiths

COMMITTEE: Chairman AVS Loblely
Surveyor Mr R Davies FRICS
Surveyor Mr. HM Abraham FRICS

REASONS FOR THE DECISION OF THE RENT ASSESSMENT COMMITTEE

1. We were duly convened as a rent assessment committee under the provisions of the Rent Act 1977 on 27th November 2012 at the property. We had before us a reference from the Rent Officer in respect of the property. The Rent Officer had made an administrative error in the calculation of the registered rent in May 2012. The fair rent had been calculated as £143.12pcm, inclusive of £100.09 variable Service Charges and the maximum fair rent as £134.34pcm, inclusive of £100.09 variable Service Charges.. £158 had been proposed by the Landlord, inclusive of £100.09 services. The agreement of the landlord and the tenant to correction of the error was sought on 20th July 2012. The Rent Officer wrote again to the tenant on 15th August 2012 and again received no response. The matter was referred to the Residential Property Tribunal in September 2012 and on 18th September 2012, the Tribunal wrote to both parties seeking comments and asking whether a hearing was required. Further letters were sent to the tenant on 3rd and 10th October 2012 by Recorded Post.

THE INSPECTION

2. An inspection was arranged for 27th November 2012 at 9:15 with a hearing thereafter at 1:30 and the tenant was notified of this on 30th October 2012. The committee attended at the time arranged but was not able to obtain entry to the property and no one attended at the hearing which was held at Pennard Community Centre, Pennard Road, Pennard, Swansea. In the light of the absence of any response from the tenant, the committee considered it appropriate to determine the fair rent in the tenant's absence. The landlord had indicated it was content to leave the matter to the committee.

THE PROPERTY

3. The Committee were unable to gain access to the property but it had copies of Survey Sheets and a plan prepared by the Rent Officer. We inspected the immediate locality and from the information before us were able to establish that 44, Trawler Road is a one bedroom flat in a development in the New Swansea Maritime Village. It has a bathroom, kitchen and living room, with double glazing and gas central heating. There is a car park space according to the lease though it did not appear to be marked as exclusively for flat 44 from the committee's inspection. The property is held on a 99 year lease from 30th March 1987 pursuant to which the landlord maintains the roof, main structure, pipes, sewers drains etc and the common parts in return for which the lessee pays a service charge. As from April 2012, the proposed service charge was £100.09 a month including insurance, management and audit fee, cleaning and repairs, grounds maintenance, reserve, communal light and power, ground rent and car parking. The rent was £58.02. The tenant holds an equity share of 75%.

THE COMMITTEE'S FINDINGS

4. The committee had to determine the fair rent, having regard to Section 70 of the Act which provides that regard shall be had to all the circumstances, and in particular, the age, character, locality and state of repair of the dwelling house. The committee also had to calculate the maximum fair rent in accordance with the Regulations. Where the maximum fair rent applies, the rent registered is the lower of the fair rent and the maximum fair rent. The committee, from its knowledge of rents in the area, considered that a market rent of £550 per month was reasonable. It was apparent from documents provided to the committee that the property had the benefit of central heating, double glazing and a kitchen and bathroom so that the only adjustment that fell to be made was in respect of carpets and curtains. The committee adjusted the rent figure by £20 to allow for this. The committee also had to adjust the market rent to take account of matters which have to be disregarded under the Act, including scarcity which the Committee assessed scarcity at 15%. The committee calculated the fair rent to be £450.
5. This figure has to be further adjusted due to the tenant's equity share (the tenant being liable for internal repairs). The committee deducted 5% each in respect of the tenant's and the landlord's repairing liability and management and £7.28 in respect of insurance premium, deducting 75% for the tenant's share and then added back the £22.50 for the landlord's repairing liability. This gave a total of £116.30 to which the committee added the service charge of £78.32, deducting from the landlord's service charge the sums of £4.24 for ground rent and £17.53 for car parking. The committee had been informed that the latter figure was a rental charge from Swansea City Council of £15 per space with an additional charge for landscaping and cleaning the car park area. However, as the lease included a car park space the committee did not consider the tenant should be charged through the service charge. Nor was it appropriate to charge ground rent through the service charge. The fair rent to be registered was therefore £194.62pcm, inclusive of a variable Service Charge of £78.32p.
6. The committee calculated the maximum fair rent to be £273.32, using a present RPI of 244.20, an RPI for the month of last registration of 212.10 and an enhancement value of 0.05. This gave a maximum fair rent of £273.32 (inclusive of the service charge assessed by the committee of £78.32). A summary of both calculations is attached.

DATED this 13th day of December 2012

A handwritten signature in black ink, appearing to read 'Alabey', written in a cursive style.

CHAIRMAN

FAIR RENT

Market rent		£550
Adjustment		
Carpets/curtains	£20	
Adjusted market rent		£530
Deduct 15% for scarcity		<u>£79.50</u>
Fair rent		£450

Deduct

Tenant's repairing liability (5%)	£22.5	
Landlord's repairing liability (5%)	£22.5	
Management/admin (5%)	£22.5	
Insurance premium	£7.28	
		<u>£74.78</u>
		£375.22
Less % for tenant's equity stake		<u>£281.42</u>
		£93.80

Add back

Landlord's repairing liability		<u>£22.5</u>
		£116.30
Add services		<u>£78.8</u>
		£194.62

MAXIMUM FAIR RENT

Present RPI		244.2
RPI at last registration		<u>212.1</u>
		32.1
Divide by RPI at last registration		<u>0.15134371</u>
Add 0.05		0.20134371
Add 1		1.20134371
Multiply by last registered rent net of variable services		
**Last registered rent	£511.72	
**Less variable services	£349.79	<u>£161.93</u>
		£194.53
Round to .50p		£195
Add variable services fixed by committee		<u>£78.32</u>
		£273.32

** These figures calculated to calendar monthly from figures of £118.09 and £80.72 respectively per week as shown on the Rent Register.