


Rent Assessment Panel for Wales

Notice of the Rent Assessment Committee Decision		File Reference Number: RAC/0012/08/13
Address of Premises 7 Trem y Castell Regent Street Llangollen LL20 8TY	The Committee members were Mr J D M Jones Mr C H Williams Mr WD Brereton	
(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.	£75.22 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: 15 th November 2013 The new rent will apply from this date.		
(3) The rent is to be registered as variable.		
(4) The amount for services is:	£5.22 pence per week	
(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: The Service Charge is Variable		
Date of decision: <u>15th November 2013</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: N/A		

Y Tribiwnlys Eiddo Preswyl
Residential Property Tribunal
Rent Assessment Committee
(Rent Act 1977)

Reference: **RAC/0012/08/13**
Property: **7 TREM Y CASTELL, FFORDD REGENT, LLANGOLLEN LL20 8TY**
Landlord: **Cymdeithas Tai Clwyd Cyf**
Tenant: **Mrs. P Hogan**

COMMITTEE: **J D M Jones**
C H Williams
W D Brereton

CERTIFICATE OF RECTIFICATION

By a Decision dated 15th November 2013 it was stated that the Fair Rent for the above property was assessed to be £70.00 inclusive of £5.22 Service Charge. This has found to be a clerical error and the correct rent is £75.22 inclusive of £5.22 Service Charge to take effect from the date of the Decision.

In accordance with Rule 10(2) of the Rent Assessment Committees (England and Wales) Regulations 1971, the Decision is rectified accordingly.

Dated this 27th day of November 2013



JDM Jones
Chairman

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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 (the Act) on the 15th November 2013 at the Band Room, The Parade, Llangollen. We had before us a reference from the Rent Officer in respect of 7 Trem y Castell, Ffordd Regent, Llangollen (the Property). Cymdeithas Tai Clwyd Cyf (the Landlord) had objected to the registration of a fair rent on the 25th July 2013 on the basis that it included in the rent a non-variable service charge.

The Property

2. The Property is a ground floor purpose built flat located close to the centre of Llangollen and close to its various amenities. It is set back slightly from the main road and is in a small development of similar properties. There is some parking within the curtilage of the development and there are some common grassed areas. The accommodation comprises of an entrance hall with some storage, kitchen, living room, double bedroom, bathroom/WC.
3. The Property appears to be well maintained; it has double glazing and night storage heaters. It is connected to the careline system. The Tenant provides carpets and curtains and white goods in the kitchen.
4. The Committee inspected the property on the morning of the 15th November in the presence of the Tenant and a representative of the Landlord. The Tenant said she did not propose to attend the Hearing.
5. The Tenancy commenced on the 1st December 2003 by clause 1.4 the Landlord shall provide the following services "depreciation and maintenance of fire alarm system, communal lighting, tunstall careline and upkeep of grounds". Clause 1.5 of the Agreement provides that the service charge is variable and "it will be revised at any time on the basis the actual or estimated costs of the services provided.
6. Notwithstanding this, it appears that the rent has been registered with a non-variable service charge. The rent registered on the 25th July 2013 was £76.00 per week effective from that date. The amount noted for services was £5.07.

7. The Rent Officer's calculations have been made available to us and it is noted that he considers the market rent for the property to be £86.54 per week. He then made deductions for matters referred to in section 70 of the Act including scarcity. The rent included a non-variable service charge of £5.07 being the figure requested by the Landlord.

The Hearing

8. The Hearing took place following the inspection on the 15th November 2013. The Landlord was represented by Mrs. M Ellis-Williams. The Tenant did not attend and was not represented.
9. Mrs. Ellis-Williams confirmed that the Tenancy Agreement provided for a variable service charge and the Landlord wished this to be reflected in the registration.
10. The Committee had before it a schedule of services charges for the year 2013-14 and it included the following:
- | | | |
|-----------------------|-------|---------|
| a. Communal cleaning | £0.87 | |
| b. Communal lighting | £0.50 | |
| c. Communal gardening | £1.05 | |
| d. Fire equipment | £0.10 | |
| e. TV relay | £0.90 | |
| f. Careline | £2.67 | = £6.09 |

Mrs. Ellis-Williams confirmed that the service charge was based on actual costs for the previous year with an uplift for 10% for management and 3% for inflation.

11. It was acknowledged by Mrs. Ellis-Williams that there is considerable demand in the area for flats of this type and that accordingly there is scarcity. The accommodation has an age limit of 55 years and the bench mark rent is £63.04.

The Committee's Findings

12. The Committee is required to determine the fair rent having regard to section 70 of the Act; it has to have regard to all the circumstances and in particular the age, character, locality and state and repair of the property. The Committee also has to calculate the maximum fair rent in accordance with the Maximum Fair Rent Order 1999. Where the maximum fair rent applies the rent to be registered is the lower of the fair rent and the maximum fair rent.
13. The Committee, using its knowledge of rents in the area considered that a market rent should be £90 per week. This had to be adjusted as the Landlord did not supply carpets and curtains and the property had a basic kitchen and bathroom. In addition, the property lacked full central heating although it did have the benefit of night storage heaters. The property had the benefit of double glazing. The Committee made adjustments of £8 to reflect these various matters.
14. The Committee is also required to adjust the rent for scarcity. We are satisfied on the evidence that there is scarcity and we have assessed this at 15%.
15. With regard to the service charge, we have no evidence before us as to the item headed communal cleaning (0.87p) and indeed this is not mentioned or referred to in clause 1.4 of the Tenancy Agreement. The other items set out in the schedule of services appear to be reasonable and on the basis of the evidence we allow the service charge in the sum of £5.22p as being reasonable. According to the Committee, we calculate the fair rent to be £75.22 inclusive of service charges.
16. The Committee calculate the maximum fair rent to be £81.72 per week inclusive of services of £5.22. We have used a present RPI of 251.9; an RPI for the month of the last registration of 232.5 and an enhancement value of 0.05. This gave a maximum fair rent of £81.72 including a variable service charge of £5.22. As the maximum fair rent is higher than the fair rent the order does not apply.
17. The Committee determine that the fair rent to be registered is £75.22 per week inclusive of a variable service charge of £5.22.

Dated this 27th day of November 2013



JDM Jones
Chairman