

**Notice of the Rent Assessment Committee Decision and
Register of Rents under Assured Periodic Tenancies
(Section 14 Determination)**

Housing Act 1988 Section 14

Address of Premises8 St Canna Close, Canton, Cardiff,
CF5 1QA**The Committee members were**Mr R Taylor
Mrs R Thomas MRICS**Landlord**

Mr A M Threipland/AMT Estates

Address

Fingask Castle, Rait, PH2 7SA

Tenant

Mr Shane Preece

1. The rent
is:

£475

Per

pcm

(excluding water rates & council tax
but including any amounts in paras
3&4)2. The date the decision takes
effect is:

1 September 2014

*3. The amount included for
services is

Nil

Per

*4. Services charges are variable and are not included

5. Date assured tenancy
commenced

1 February 2010

6. Length of the term or rental
period

Periodic monthly

7. Allocation of liability for
repairs

External - landlord

8. Furniture provided by landlord or superior landlordFloor and window coverings; sofa; dining table and chairs; wall unit; TV cabinet; TV; fridge;
double bed; bedside tables; occasional chair.**9. Description of premises**

First Floor, one bed flat with gas central heating in modern purpose built block.

Signed by the Chairman of the
Rent Assessment Committee.**Date of Decision**

5 November 2014

Y Tribiwnlys Eiddo Preswyl

Residential Property Tribunal Service (Wales)

Rent Assessment Committee (Wales)

First Floor, West Wing, Southgate House, Wood Street, Cardiff. CF10 1EW.
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DECISION AND REASONS OF RENT ASSESSMENT COMMITTEE (WALES) HOUSING ACT 1988 s.13 &14

Premises: 8 St Canna Close, Canton, CF5 1 QA (“the property”)

Ref: RAC/0030/08/14 – St Canna Close

Determination: 5 November 2014

Applicant: Mr Shane Preece


Respondent: Mr A M Threipland/AMT Estates

Tribunal: Rhys Taylor – legal chairman
Ruth Thomas MRICS

ORDER

1. The rent shall be £475 per calendar month, to commence from 1st September 2014.

5 November 2014

A handwritten signature in black ink, appearing to read 'Rhys Taylor'.

Lawyer Chairman

REASONS

Background.

1. This application concerns the Applicant's challenge of a s.13(2) Housing Act 1988 ("the Act") notice of proposed rent increase served on behalf of the landlord dated 29 July 2014. The notice proposed an increase in rent from £445 to £475 from 1 September 2014.
2. The background to this matter is that an assured shorthold tenancy was commenced on 1 February 2010 for a term of 6 months. Upon the expiry of the fixed term, the tenancy became a periodic tenancy on similar terms to the assured tenancy. There has been one rent increase since that date.
3. S.5(3) of the Act sets out how the periodic tenancy takes effect and states at s.5(3)(d) that, "... the periods of the tenancy are the same as those for which the rent was last payable under the fixed term tenancy." This would mean that, in this case, the periodic tenancy would have run from the 1st of the month on a calendar month basis.
4. For a s.13(2) notice to be valid it must comply with certain requirements set out therein, which includes that the notice must be "... in the prescribed form proposing a new rent to take effect at the beginning of a new period of the tenancy specified in the notice."
5. The prescribed form served by the Landlord is the form which relates to a property in England, which is to be found in the schedule at Form 4B of the Assured Tenancies etc (Forms) Regulations 1997. The Welsh form is in fact to be found in the same Regulation at Form 4D. However, the forms are not substantially different and this tribunal is satisfied that the forms are substantially alike such that the validity of the notice is not affected.
6. Both parties signified their agreement to a paper determination.

Inspection.

7. The subject property comprises of a first floor flat in a 2 storey, purpose built block of 4 flats. The block was constructed circa 2000 of masonry walls with part rendered and part facing brick elevations under a pitched, slate clad roof. There are UPVC double glazed windows and doors. The two ground floor flats are self contained but the two first floor flats are accessed via a shared entrance door, lobby and stairs.
8. The block is in a development with other dwellings, built at the same time and owned by the same freeholder. The development occupies a backland position at the rear of Glamorgan Street and is accessed via a shared road leading to the properties and their communal car parking.
9. St Canna Close is located in the Canton area, approximately 1 mile from the city centre of Cardiff. Canton comprises of mainly terraced houses built some 100 years ago but there are modern in fill developments of flats. Most of the neighbourhood facilities are located around Cowbridge Road East, this being a vibrant and busy high street with many locally owned shops and bars. The area is a desirable part of the outskirts of Cardiff city centre and the property is near the popular Chapter Arts Centre. There will be good links into the city via public transport relatively near to the property.
10. The flat has a gross internal area of approximately 26 square metres (280 square feet). A small lobby gives access to a shower room, bedroom and living room/kitchenette. Space is allocated in the living room to a small range of fitted floor and wall units which incorporates a built in microwave/cooker and a two ring hob. An appliance space is taken up an undercounter fridge. There is no washing machine at the property.
11. The flat is heated by means of panelled radiators supplied with hot water from a small, wall mounted, gas fired combi boiler, which also heats the domestic hot water.

12. There is a tiled shower cubicle, WC and vanity basin in the shower room. A double fitted wardrobe and double fitted wardrobe and dressing table unit are fitted in the bedroom. The landlord has supplied furniture, crockery, utensils, etc as per the inventory attached to the tenancy agreement. There are fitted carpets or floor tiles throughout.

13. The tenant has a right to use one parking space in the communal car park.

Comparables.

14. The landlord is seeking to increase the rent to £475 pcm from the 1 September 2014. In their written representations, the landlord's agents say "All the flat rents have been reviewed and they are now at the same figure of £475 pcm." The agents do not specify when the rents were agreed or the terms of the tenancies of those units. The written representations are not supported by any documentary evidence nor are they confirmed by a statement of truth.

15. The agents attached to their representations their results from an internet search of "Right Move" dated 4 September 2014, which showed asking rents for one bedroomed flats in the Canton area at £500 pcm. The illustrations showed modern, purpose built and conversion flats, some being furnished, unfurnished or part furnished, and most stated they were heated and had floor coverings.

16. The tenant did not put forward any comparables in his written submissions. His evidence only referred to the amounts of and percentage increases in his rent, the latest increase proposed amounting to 7% since the last increase in May 2012. The Applicant's submissions were about the size of the property and the limited cooking facilities and lack of washing machine/space.

Determination.

17. We are persuaded that the figure of £475 pcm is the correct market rent.

18. We note, notwithstanding the lack of documentary evidence in support of such assertion and the lack of a statement of truth, that the landlord's agent states that £475 is achieved throughout the flats at St Canna Close. We are taking the landlord's agents at its word in this respect. These are the closest possible

market comparables and are highly indicative of the likely market rent achievable in the event that the rent for this property was agreed by a new tenant.

19. We are fortified in our views by the "Right Move" comparables which tend to show asking rents above this proposed rent of £475.

20. We have carefully considered the submissions of the tenant that the size and limited amenities should sound in the rent. However, we have come to the conclusion that the other properties are likely to have similar features and yet still command the rent proposed. We are concerned only with market rent.

21. We have been provided with no evidence of any undue hardship likely to be caused by the rent taking effect from the date of the notice. Accordingly the rent increase shall take effect from the 1 September 2014.

5 November 2014

A handwritten signature in black ink, appearing to read "Philip Taylor". The signature is written in a cursive, slightly slanted style.

Lawyer Chairman