

Rent Assessment Panel for Wales

Notice of the Rent Assessment Committee Decision		File Reference Number: RAC/0006/07/17
Address of Premises 83 Victoria Road Saltney Chester CH4 8SY	The Committee members were Andrew Grant David Jones	
(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.	£ 94.92 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.	22nd November 2017	
(3) The rent is not to be registered as variable.		
(4) The amount for services is:	£2.98	
(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: 22nd November 2017	Chairman Andrew Grant	
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: £97.00 per week.		

Y TRIBIWNLYS EIDDO PRESWYL
RESIDENTIAL PROPERTY TRIBUNAL
RENT ASSESSMENT COMMITTEE

Reference: RAC/0006/07/17

Property: 83 Victoria Road, Saltney, Chester, CH4 8SY

Landlord: Clwyd Alyn Housing Association

Tenant: Ms. Georgina White

Committee: Andrew Grant, Chairman
David Jones FRICS, Surveyor

Reasons for the Decision of the Rent Assessment Committee

1. We were duly convened as a Rent Assessment Committee on the 22nd November 2017 under the provisions of the Rent Act 1977.

The Reference

2. We had before us a reference from the Rent Officer (Wales) in respect of 83 Victoria Road, Saltney, Chester, CH4 8SY ("The Property").
3. On the 17th May 2017 The Clwyd Alyn Housing Association ("The Landlord") had made an application for registration of a fair rent of £90.83 per week. The Landlord, in its application, stated the current rent to be £85.01.
4. The Rent Officer proceeded to deal with the application and determined the fair rent to be £96.00 per week.
5. By way of a letter dated the 14th July 2017, Ms. White ("The tenant") objected to the rent as determined by the Rent Officer and in consequence the matter comes before this committee.

The Inspection

6. The Committee inspected the property on the 22nd November 2017. Also present at the inspection was the tenant, Ms. White.
7. The Property is situated in Saltney which is a town on the English / Welsh border which is within 3 miles of the city of Chester. There are supermarkets, a retail park, local shops, primary schools and a high school within the area. The Airbus factory is nearby in Broughton as is a retail park. The A55 Expressway is some 5 miles away.

8. The property is located in a well-developed residential area on what originally appears to have been a council estate. The property is within 1 mile of the town centre.
9. The Property consists of a traditionally built end terraced house having brick and rendered elevations under a pitched roof that is clad with concrete tiles. The Property has the benefit of central heating and the windows were uPVC framed double glazed units throughout.
10. Services – Mains water and drainage, electricity together with gas central heating.
11. The Property consists of -

Ground Floor – Hall with toilet off; Lounge:4.16m x 3.25m / 13'8 x 10'8, fitted kitchen with diner:3.74m x 3.2m / 12'3 x 10'6.

First Floor – Landing; bathroom with 3-piece white suite; bedroom 1 (front) ;2.85m x 4.58m / 9'4 x15'; bedroom 2(rear): 4.37m x 3.05m / 14'4 x 10'.

Outside – To the front of the property is a small garden with an allocated parking space beyond. The rear garden is laid to lawn with access gates to the side and rear. The fencing looks tired and could do with some maintenance and the grass areas are heavily covered in weeds.

12. The property has been well maintained internally by the tenant.
13. The property had the benefit of central heating. The windows were double glazed UPVC throughout.
14. The tenant said that the property was constructed in or around 2005. When she moved in to the property it was unfurnished although the kitchen cupboards and work surfaces had been provided by The Landlord.

The Law

15. Section 70 of the Rent Act 1977 sets out the factors to be considered when determining a fair rent. In particular we are required to have regard to the age, character, locality and state of repair of the property.
16. At the same time, we are required to disregard certain factors such as the personal circumstances of the parties, any disrepair or other defect attributable to a failure by the Tenant under the terms of the tenancy and any improvements carried out by the tenant other than as required under the tenancy agreement.
17. We are also required to assume that the number of people seeking to become tenants of similar properties in the area on terms identical to those in The Tenants agreement (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 are to make certain assumptions regarding scarcity and demand.

The submissions

18. As neither party had requested an oral hearing the matter was determined on the papers.
19. The Rent Officer had provided their detailed calculations together with a list of comparable properties upon which they had relied in reaching their findings.
20. The Tenant had also made written submissions upon the proposed rent in a detailed letter dated the 8th August 2017.
21. The Tenant submitted that the Service Charges were too high given the level of service provided and the standards of the service. She also questioned whether she should be paying Service Charges at all.
22. The Committee formed the view that as the proposed charges were variable it had no jurisdiction to address the issues which related to the Service Charge element of the rent.
23. The Tenant further sought an assurance that the Rent Officer had carried out the correct procedure in reaching his conclusions.
24. The Tenant further submitted that the proposed rent was too high and that the comparables used by the Rent Officer were not truly comparable as they were in respect of properties situated in other areas such as Broughton and Lache, whereas the subject property was situated in Saltney.
25. The Tenant submitted that she felt the correct market rent to be £88.00 per week.
26. In support, she referred to a 3-bedroom property in Steele Street, Chester which had a rental value of £88.00 per week.

Determination

27. We considered the representations from The Tenant and had regard to the figures produced by the Rent Officer.
28. We carefully considered the comparable evidence produced by the Rent Officer.
29. We also had regard to the property drawn to our attention by The Tenant in her written submissions.
30. The Tribunal also considered other properties in the area which had been located by the Tribunal during its own research, in particular there was one property situated at 99 Boundary Lane, Saltney. This was similar to the subject property and was marketed at an asking rent of £133.00 per week.
31. Taking all of the above into account, the Committee were of the view that the Tenants proposed rent of £88.00 per week was too low and did not represent the market rent for a property such as the subject property.

32. The Rent Officers calculation showed that he started with a market value of £126.92 per week. Having considered the evidence, the Committee considered this to be a reasonable figure.

33. We then made deductions to reflect the fact that the garden was not in very good condition and that the parking arrangements were unclear and resulted in problems for the Tenant.

34. Although we considered the scarcity percentage applied by the Rent Officer to be slightly high it was not unreasonable and we have not interfered with that figure.

Market Rent		£126.92
Lack of soft furnishings /curtains and carpets	£7.00	
Condition of garden/parking	£5.00	
		£114.92
	Scarcity at 20% £ 22.98	
		£91.94 per week
Add back services		£2.98

Fair Rent £94.92

35. Having determined the Fair rent, The Committee is then required to have regard to the effect on the rent of The Rent Acts (Maximum Fair Rent) Order 1999 which places a cap upon the permissible amount of a fair rent between this registration and the last.

36. We calculated the Maximum Fair Rent using the present RPI as at the date of inspection of 275.3 and determined the Maximum Fair Rent as being £97.00 per week.

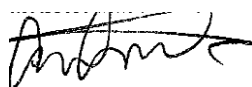
37. Accordingly, the cap does not apply in this case.

Conclusion

38. The fair rent for the property is £94.92 per week or £411 per calendar month.

39. The registration takes effect from the 22nd November 2017, the date that we reached our decision.

Dated the 27th day of November 2017.



Andrew Grant
Chairman