

**Y TRIBIWNLYS EIDDO PRESWYL
RESIDENTIAL PROPERTY TRIBUNAL (WALES)
RENT ASSESSMENT COMMITTEE**

Reference: RAC/0020/03/20

In the Matter of: 3 Llys Afallen, Trehafren, Newtown, Powys, SY16 1PW

Application: Section 13(4) of the Housing Act 1988 (as amended)

The Committee: Chairman J. Rostron
Valuer Member N Martindale FRICS

Applicant: Mrs Jeanette A Vickers
Respondent Mid Wales Housing Association

1. We were duly convened as a Rent Assessment Committee under the provisions of the *Housing Act 1988* (the “Act”) by means of telephone conferencing because of the COVID-19 Pandemic on the 17th November 2020. The Application before us was the reference of a Notice proposing a new rent under an Assured Periodic Tenancy. On the 7th of February 2020 the Landlord, Mid-Wales Housing Association had served a Notice proposing a new rent of £434.75 per month in place of the existing rent of £413.30 per month. The rent applied was in respect of 3 Llys Afallen, Trehafren, Newtown, Powys, SY16 1PW (“the Property”). It was proposed that the starting date for the new rent would be the 1st April 2020. The Notice was considered valid by the Committee. The Tenant, Ms Jeanette A Vickers objected to the increase and gave notice of application dated 29th March 2020, referring the Landlord’s Notice to this Committee.

The Law

2. Section 13(2) of the Act requires a Landlord seeking to increase the rent of an assured periodic tenancy to serve on the Tenant a notice in the prescribed form proposing a new rent to take effect at the beginning of a new period of the tenancy.
3. For the notice to be valid it must comply with various requirements set out in Section 13(2) of the Act as amended by the *Regulatory Reform (Assured Periodic Tenancies) (Rent Increases) Order 2003*.
4. If the notice is valid, Section 14 of the Act requires the Committee to determine the rent at which it considers the Property might reasonably be let in the open market by a willing Landlord under an assured tenancy and in so doing the Committee must disregard the effect on the rental value of any relevant Tenant’s improvements.

5. Section 13(2) of the Act confirms (amongst other things) the start date for the proposed new rent must not be earlier than
 - “(c) if the rent under the tenancy has previously been increased
 - (ii) the appropriate date”
6. The appropriate date is defined in Sections 13(3)A and 3(B) of the Act as being a minimum of 52 or 53 weeks after any previous rent increase.
7. Section 13(1)(b) explains the jurisdiction ...” This section applies to – any other periodic tenancy which is an assured tenancy, other than one in relation to which there is provision, for the time being binding upon the Tenant, under which the rent for a particular period of the tenancy, will or may be greater than the rent for an earlier period”.

INSPECTION

8. The Committee consisting of Mr N Martindale FRICS inspected the Property on Monday 16th November 2020 in the presence of the Applicant and Respondent. It should be noted that inspection was carried out by a single member of the Committee because of COVID 19 considerations. Both parties brought to the attention of the Committee the possibility of a remote hearing scheduled for Tuesday 17th November 2020. The parties views were considered and each party was asked to let the Committee know within 7 days if they wished to have an oral hearing. Neither party requested an oral hearing and the Committee therefore proceeded to decide the case on the papers submitted.
9. According to the Respondent’s statement of case dated 3 July 2020, the Property is a two bedroomed mid-terraced house in Newtown. No furnishings are provided by the Association. The Property benefits from mains electric, water, gas and drainage. It has a gas fired central heating system. At the inspection it was recorded there exists a small garden at the front and rear. There is full central heating and double glazing. Kitchen and bathroom fittings are in good order. The house is generally in good order dating from early 2000’s. No obvious current defects which affected enjoyment of the house by the tenant. It is located as part of a small, relatively new, housing extension to a larger older 1970’s public housing estate in the town.

EVIDENCE

- 10 The Applicant’s only written submission is the formal application dated 23rd March 2020 which states the Property consists of: “A terraced house with 1 Living room, 1 Kitchen, 2 Bedrooms and 1 Bathroom”. Regarding repairs which are the responsibility of the landlord it states; “All repairs unless tenants’ fault”. Concerning what repairs are the responsibility of the tenant it states: “If tenant has broken something themselves”.
11. The Respondent’s relevant statement of case dated 3rd July 2020 states:” Rents set from 1st April 2020 take account of the Affordability Assessment (approved by Mid

Wales Housing Board in February 2019) and guidance from the Welsh Government. Within Mid Wales Housing Association stock, comparable properties: -

2 Heather Close, Welshpool, Powys, SY21 7LZ: 2 bed house, mid terrace comprising 2 double bedrooms, lounge/dining room, bathroom and kitchen. The Property benefits from mains electric, water, gas and drainage. Most recent EPC score: 76 (from 21/11/18). Rent from April 2020 is £99.49 per week. The monthly figure equates to £432.78 per calendar month.

13 Heol Rhedyn, Newtown, Powys, SY16 1RR. 2 bed house comprising of two double bedrooms, lounge, bathroom, downstairs w.c. kitchen/diner. The Property benefits from mains electric, water, gas and drainage. It has a gas fired central heating system. Most recent EPC score: 76 (from 30/09/14). Rent from April 2020 is £99.60 per week. The monthly figure equates to £433.26 per calendar month.

12. Further comparables were provided in terms of advertising literature for properties at Frankwell Terrace, Frankwell Street, Newtown, Powys, SY16; Afon Way, Newtown, Powys, Cymric Mill, Canal Road, Newtown, Powys, SY16; and Broad Street, Newtown, Powys.
13. Letter from Morris Marshall & Poole dated 8th July 2020 suggests an open market rent for the Property at £475 per calendar month. The rent is understood to be based on two comparables being 4 Lon Ceiros and 229 Lon Masarn.

DECISION

14. The Committee considered the evidence submitted in terms of the comparables provided: - 2 Heather Close, Welshpool, Powys, SY21 7LZ and 13 Heol Rhedyn, Newtown, Powys, SY16 1RR. Both of these comparables were supplied by the Respondent and contained a reasoned explanation of their value as meaningful comparable evidence.
15. The Committee further considered the comparables in terms of advertising literature as mentioned in paragraph 12 above. The Committee found these of little assistance because of the lack of any meaningful analysis.
16. Evidence by way of a letter from Morris Marshall & Poole suggested an open market rent based on two comparables described above in paragraph 13. They were of little assistance to the Committee because of lack of detail and any form of useful analysis.
17. From the evidence before it and using its own skill and judgement the Committee decided the appropriate rent for the Property was £434.75 inclusive of service charges.

The Committee accordingly determine that the rent should be £434.75 per month and the rent should take effect from the date specified in the Landlord's Notice namely the 1st April 2020. For the purpose of the Housing Act 1988 it is declared that the Committee made its decision on the 27th November 2020.

DATED this 30th day of December 2020

J Rostron Chairman
Rent Assessment Committee.