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RESIDENTIAL PROPERTY TRIBUNAL

Reference: RAC/0009/06/23

In the matter of 6 Maryland Road, Risca, Newport, NP 11 6BB

In the matter of an application under the Renting Homes (Wales) Act 2016 and The Renting Homes (Rent Determination) (Converted Contracts) (Wales) Regulations 2022.

APPLICANTS: Ms. Tonia Bell

RESPONDENTS: Sanfire Property Management Limited

TRIBUNAL: Mr. A. Grant (Tribunal Judge)
Mr. R. Baynham (surveyor member)

Decision

The tribunal determines that the market rent payable for the property is £625 per calendar month. The new rent is payable from the 21st June 2023.

Reasons

Introduction

1. This is an application by Ms. Tonia Bell (“the Applicant”) for a determination of the proposed rent increase in respect of her occupation of the property known as and situate at 6 Maryland Rise, Risca, Newport, NP11 6BB (“the Property”).
2. The Applicant has resided at the property since the 12th December 2007.
3. By way of a notice dated the 20th April 2023, the Respondent, acting on behalf of the Landlords, Mr. Simon Bryan and Mrs. Sophie Bryan, served a notice upon the Applicant which proposed to increase the rent payable from its current level of £550 per month to a sum of £850 per month. The new rent was to take effect from the 21st June 2023.
4. The Applicant subsequently referred the matter to the Rent Assessment Committee (“the Committee”)

The Property

7. The Committee's surveyor inspected the Property on the morning of the 14th September 2023. The Applicant and her mother were in attendance. There was no attendance by or on behalf of the Respondent.
8. The Property comprises of a two-storey semi-detached house which was built approximately 110 years ago. The main structure has solid stone walls, a tiled roof and Upvc double glazing to the windows and to the front door. There is a single storey extension to the rear of the Property which is constructed of block work and has a metal roof.
9. The accommodation on the ground floor consists of an entrance hall with stairs leading to the first floor, a lounge, dining room and a rear lobby / passageway having a door to the rear garden but also leading to a galley type kitchen.
10. There is also a bathroom containing a bath, with a shower over (provided by the tenant), a wash hand basin and a W/C.
11. On the first floor there is a landing, two double bedrooms and a box room. The property has the benefit of gas central heating.
12. The front garden is relatively small. It consists of a paved area with a stone wall to the pavement. There is a side entrance allowing access to the rear of the Property.
13. The rear garden is of a good size, is paved and also has grassed areas with a paved path leading to a brick built shed. The Property does not have a garage.
14. The Property is within walking distance of local shops and all other amenities are available in Newport which is approximately 7 miles distant.
15. The Property is in a poor condition and requires significant refurbishment. The Committee noted the following major items:
 - i. The Property has been the subject of settlement/subsidence as evidenced by the cracking to the walls in the entrance hall and adjacent to the staircase.
 - ii. The double glazing is old and some of the windows are poorly fitted. There has been movement between the frames and the walls allowing draughts to enter the Property.
 - iii. There is severe damp to the front living room, damp in the entrance hall and the dining room.
 - iv. The ceramic floor tiles in the bathroom are severely cracked.
16. The above list is not exhaustive.

The Law

17. Pursuant to Regulation 6 of the Renting Homes (Rent Determination) (Converted Contracts) (Wales) Regulations 2022 (“the Regulation”) the Committee must determine the rent at which it considers the dwelling concerned might reasonably be expected to be let in the open market by a willing landlord under the same type of relevant converted contract as that to which the notice under section 104 or 123 of the act (*being the Renting Homes Wales Act 2016 – our emphasis*) relates.
18. Further, pursuant to Regulation 6, the Regulations provide that certain assumptions are to be made when reaching its determination.

The Evidence

19. The Applicant has submitted a statement dated the 28th July 2023. The Respondent relies upon the witness statement of Mr. Nathan Rawcliffe of Sanfire Property Management Limited dated the 13th July 2023.

Determination

20. The Committee determined the matter on the 14th September 2023.
21. The Committee was satisfied that the notice of variation of rent dated the 20th April 2023 was a valid notice.
22. Having satisfied itself that the notice of variation was valid, the Committee then went onto consider the evidence provided by the parties.
23. The Respondent gave evidence to the effect that the rent has not been increased for a considerable time and that the current level of rent no longer reflected the local market rate for a property of that type.
24. In support of that submission, it put forward three comparable properties which the Respondent felt supported the proposed increased rent for the subject Property.
25. The first property was in St. Mary Street, where the evidence indicated that it had recently been let for £900 per month. The second was in Machen Street, which had been let for £800 per month and the final property was in Station Road which had been let for £850 per month. All were three-bedroom properties.
26. In response, the Applicant suggested that none of the properties quoted above were comparable because none of the properties were in the same level of disrepair as the subject Property. The Applicant’s own evidence set out in detail the disrepair at the property and the problems which she had experienced when trying to get the work done to the property.

27. The Applicant put forward her own comparable evidence at Appendix 7 of her witness statement. They are at Newport Road which was let at a rent of £625 per month, 29 Wood Street, which was also let at £625 per month and finally, a property in Medart Street which had been let for £700 per calendar month. None of the comparable properties were in Risca.
28. Having inspected the Property, the committee were satisfied that none of the comparable evidence given by the parties was particularly helpful.
29. Whilst the subject Property is expressed to be a three bedroomed Property, the reality is that the third room is so small that it cannot practically be used as a bedroom. Therefore, comparisons to a three bed roomed property are not useful.
30. The Property is also in a far worse condition than the properties put forward by the Respondent as comparable properties. In its current condition, it is considered that it would not command a similar rent to those upon which the Respondent seeks to rely in its evidence. In order to secure a letting for this Property at the rent sought, a considerable amount of work would be required to bring it up to an acceptable standard.
31. Taking those matters into account, and sitting as an expert tribunal, the Committee considered that an appropriate rental range for the subject Property in its current condition would be no more than £600 - £625 per month.
32. Accordingly, the Committee determines that the rent which the Property might expect to fetch in the open market under the same contract as in the current case is £625 per month.
33. Pursuant to clause 5 of the Regulations, the new rent is to take effect from the date specified in the notice, namely the 21st June 2023.

Dated this 28th day of September 2023.

Tribunal Judge
A Grant