

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

**Reference:** RAC/0014/09/23

**Property:** 2 Broad Oak Avenue, Broughton, Flintshire, CH4 0PP.

**Landlord:** Pamela Jayne Atkinson

**Tenant:** Rebecque Jones and Richard Jones

**COMMITTEE:** J Rostron – Tribunal Judge  
N Martindale – Surveyor Member  
B Brereton – Lay Member

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

**REASONS FOR THE DECISION OF THE RENT ASSESSMENT COMMITTEE**

UPON the matter being considered by the Committee it is ordered that:

**The Committee determines that under the provisions of the Renting Homes (Wales) Act 2016 (the 'Act') the appropriate rent is £900.00 per calendar month. Pursuant to clause 5 of the regulations the new rent is to take effect from the date specified in the notice namely 29 September 2023.**

**INTRODUCTION**

1. We were duly convened as a Rent Assessment Committee on Friday 1 December 2023 via the Teams platform. We had before us an application dated 28 August 2023 from Rebecque Jones and Richard Jones (the 'Tenants') objecting to the new rent proposed by Pamela Jayne Atkinson (the 'Landlord').
2. The tenancy is held under a Periodic Standard Occupation Contract commencing 3 October 2019. The initial rent being £795.00 per month the first payment being 29<sup>th</sup> September (for clarification no year is specified) and further payments are to be made on 29<sup>th</sup> of each month. The Committee found the documentation submitted about the tenancy was very limited and, in its experience, probably incomplete. It decided however that enough information was provided to allow it to proceed.
3. The Landlord issued a Notice dated 24 July 2023 proposing an increase of rent to £995.00 from £795.00 per month. The new rent was proposed to commence starting on 29 September 2023.

4. The Rent Assessment Committee issued directions dated 10 October 2023 which informed the Landlord and Tenant what, when, and how evidence was to be provided.

## **INSPECTION**

5. An inspection took place at 10.00 am Friday 1 December 2023 by the Committee Surveyor and Lay Member. The Tenants were also present.
6. The property is a two-storey house of brick construction built in the 1930's. It consists of three bedrooms, bathroom, kitchen, lounge and dining room with several outbuildings. The kitchen and bathroom are dated. Similarly, the gas central heating, double glazing and carpeting was found to be dated. The outbuildings were in a poor state of repair. A dilapidated shed with corrugated asbestos roof was in a very poor state of repair.

## **THE LAW**

7. The material provisions that govern the application are found in s 123 of the Act.
  - (1) The landlord may vary the rent payable under a periodic standard contract by giving the contract holder a Notice setting out a new rent to take effect on the date specified in the Notice.
  - (2) The period between the day on which the Notice is given to the contract holder and the specified date may not be less than two months.
  - (3) ....
8. *The Renting Homes (Rent Determination) (Converted Contracts) (Wales) Regulations 2022* (the 'Regulations') govern the determination of the rent on appeal to the *Rent Assessment Committee*. For ease of reference, we recite the relevant extracts below.
  - 3 – (1) Following receipt of a Notice under section 104 or 123 of the Act, a relevant contract-holder may apply to a rent assessment committee for a determination of the rent for the dwelling.
  - (2) The application to a rent assessment committee must be made-
    - (a) in the prescribed form, and
    - (b) within 2 months following receipt of the Notice under section 104 or 123 of the Act.
  - (3)....
  - 4- - A rent assessment committee must determine all applications under regulation 3 in accordance with the assumptions set out in regulation 6.
  - 5-- A rent determined by the rent assessment committee...will be the rent for the dwelling under the relevant converted contract with effect from the date specified in the notice under sections 104 or 123 of the Act...
  - 6 -- When making a determination of rent for a dwelling under these regulations, a rent assessment 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 to that which notice under section 104 Or 123 of the Act relates.
    - (a)....

## **EVIDENCE**

9. The Tenants' salient evidence is contained in the application form which states: - "Original tenants Jacqueline Jones and Trevor Eric Jones took out works to replace single socket for

electrics in living room to double sockets. Laura Hallows tenant 2012 – 2019 paid for stairs and hallways to be re-carpeted after landlord put in unsafe carpet previously. Richard Jones tenant 2006 – Present, re-painted bathroom in lockdown and resealed bath/shower (landlord advised me to do this and he would reimburse me but didn't). Gutters, electrics, new kitchen and bathroom updates promised since 2012 never happened. Landlord always stated they were responsible for the gardens (although I the tenant have always ended up doing it myself)". Photographs of carpeting, the kitchen, stains to walls, external corrugated roofing, soffits, mould around the bath and tiles and some other unidentified elements are provided.

10. The Landlord's evidence is contained in an email dated 26 September 2023. The relevant parts in summary are as follows:- The increase in rent is based on comparables provided by Jones and Chapman which are; Windsor Drive, Broughton rent £650.00 per month, Whitley Drive, Broughton, rent £995.00 per month, and Hawker Close, Broughton, rent £1,200.00 per month. The gutters were recently repaired and cleared. The suggestion that the kitchen and bathroom would be replaced is not substantiated and they do not need upgrading. The garden maintenance has always been the Tenant's responsibility.

#### **HEARING AND DETERMINATION**

11. A hearing took place on the Teams platform at 2.00pm 1 December 2023 attended by all members of the Committee, the Tenant's and Landlord in person, with the latter accompanied by Karen Bellis.
12. Both Landlord and Tenants were asked if they wished to add anything to their submitted written evidence. The Tenant's confirmed that their written evidence was substantially complete, but added they felt the proposed increase in rent was not justified because of the standard of maintenance compared to other similar properties. The Landlord confirmed that her written evidence was substantially complete but said that in her view the property was maintained to an appropriate standard. She felt that the proposed rent increase was justified taking account of the comparables provided by her estate agent Jones Chapman.
13. The Committee considered the comparable properties provided as evidence by the Landlord and supplemented this by looking at their choice of comparables located on Windsor Drive Broughton and determined that the open market value for a comparable property in good conditions would yield a rent of £1000 per calendar month. Taking account of the dated nature of the building elements, fixtures and fittings and using its own skill and judgement the Committee determined that the open market rent for the property in its present condition would be £900.00 per calendar month.
14. Therefore, the rent is determined at £900 per calendar month.

Dated this 12<sup>th</sup> day of December 2023

J Rostron  
Tribunal Judge