

Y TRIBIWNLYS EIDDO PRESWYL
RESIDENTIAL PROPERTY TRIBUNAL
RENT ASSESSMENT COMMITTEE

REFERENCE: RAC/0018/09/23

PROPERTY ADDRESS: 4 Wellington Road, Colwyn Bay, LL29 9DD

APPLICANTS: Ms. Donna Frost

RESPONDENT: Ms. Hayley Jarvis

INSPECTION: Wednesday 7th February 2024

HEARING: On the Papers – The Committee members meeting in person after the Inspection on the 7th February 2024

Tribunal: Mr T Lloyd, Tribunal Judge
Mr Martindale FRICS, Surveyor Member

Decision

The committee determines that the market rent for the property is £650 per calendar month. The new rent is payable from the 10th August 2023.

Reasons

Introduction

1. Ms Donna Frost (“the Applicant”) made an application for the determination of the proposed rent increase in respect of her occupation of the property known as 4 Wellington Road, Colwyn Bay, LL29 9DD (“ the Property”).
2. The Applicant’s occupation of the property commenced on the 10th September 2009.
3. By way of a notice dated the 8th June 2023 the landlord for the first time since the letting commenced sought to increase the rent from £500 per calendar month to £650 per calendar month. The revised rent as proposed to take effect from the 10th August 2023.
4. As a consequence, the Applicant referred the matter to the Rent Assessment Committee (“The Committee”).

Description

5. Viewing the house in person (and from Google Earth (@ Sept 2022) reveals, a two storey mid terrace house in a short terrace of 4 in number. The houses were built in the late C19th. Double pitched slated main roof, rendered front elevation, plastic window casements and front door and frame, all appear to be double glazed.
6. From the front exterior appears to be in fair to good condition. No parking restrictions on the road. Rear view as front with small rear back addition to ground floor only and courtyard garden. Small front porch at front to street and very small enclosed front garden, similarly, appears fair to good condition from rear external inspection. There is no rear access to property from the Brynffynnon Terrace but pedestrian access from the next side street from the Property.
7. Accommodation is arranged over two floors, with the accommodation briefly comprising:
Ground Floor: small entrance hall, living room, kitchen (basic).
First Floor: One double bedroom and one small single bedroom plus a basic bathroom / wc.
Externally: small enclosed rear yard with access from both the property and by way of a rear pedestrian access.
8. Internally, the accommodation was found to be reasonably well presented.

The Law

9. In accordance with Regulation 6 of the Renting Homes (Rent Determination) (Converted Contracts) (Wales) Regulations 2022 ("the Regulations") 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 and section 104 or 123 of the Renting Homes (Wales) Act 2016 relates. Regulation 6 also enables certain assumptions to be made when reaching a determination as to the rent.

Evidence

10. In accordance with the directions the Applicant filed and served a statement by way of an email detailing her position. The Respondent chose not to engage in the proceedings at all or file and serve any evidence.
11. In summary the Applicant's case by way of her statement is that:
She moved into the property 15 years ago. She has undertaken all the decoration since then. The Landlord intends to sell property and served a notice which turned out to be invalid and the reason the Applicant believes she has been served with a rent increase notice.

12. The Applicant's personal circumstances is that she is in receipt of benefits and has mental health and other issues. She cannot afford the proposed increase and conceded in her statement that she is having difficulty finding any cheaper accommodation and that the Local Authority will not assist her.
13. A site visit was undertaken by the Committee consisting of Mr Neil Martindale FRICS (Surveyor Member) and Mr Trefor Lloyd (Tribunal Chairman) on the 7th of February 2024. The Applicant having elected for the matter to be determined on the papers and the Respondent as aforesaid not having engaged in the proceedings the Committee convened following the inspection to determine the matter.

Determination

14. The committee determined the matter on the 7th of February 2024 following the inspection.
15. The Applicant did not raise any issue with the validity of the notice of variation of rent. In any event, we are satisfied that the notice of variation of rent was a valid notice and having been satisfied that the notice was valid went on to consider the evidence provided by the parties.
16. In addition to the comparable evidence provided by the Applicant the Surveyor Member had undertaken his own research.
17. In coming to our conclusion, we have the benefit of the inspection of the Property.
18. We are satisfied that none of the comparable evidence advanced by the Applicant are exactly on point.
19. The property is as referred above in fair to good condition overall and internally well-presented over all albeit the bathroom / Wc was fairly basic.
20. Accordingly, given the condition of the property we are of the opinion that it will command the rental figure the Respondent seeks to contend having regard to our own research and the comparable evidence provided by the Applicant (although not directly on point provides an indication of the market rate in the area).
21. As a consequence, 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 £650 per calendar month.

22. Pursuant to clause 5 of the Regulations the new rent is to take effect from the date specified in the notice being namely the 10th of August 2023

Dated this 12th Day of February 2024

Tribunal Judge
Trefor Lloyd