

**Y TRIBIWNYLS EIDDO PRESWYL
RESIDENTIAL PROPERTY TRIBUNAL**

Reference: RAC/0002/05/24

In the matter of 26 Oxtens, Coed Eva, Cwmbran, NP44 4TP

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

Tribunal Judge: Ms TE Richards-Clarke

Surveyor member: Ms C Jones

Applicants: Ms Sarah Bethan Hopkins

Respondent: Mr Gareth and Mrs Simona Hinwood
c/o Angelwoods Residential Lettings

Date and Venue of Hearing: 19 August 2024 Determination on the papers

Decision

The Tribunal determines that the market rent payable for the property is £795 per calendar month. The new rent is payable from 3 July 2024.

Reasons

Background

1. The Applicant, Ms Sarah Bethan Hopkins occupies the property known 26 Oxtens, Coed Eva, Cwmbran, NP44 4TP. The Landlord is Mr Gareth and Mrs Simona Hinwood, and the property is managed by Angelwoods Residential Lettings
2. The Applicant entered into occupation of the property on 6 January 2015 at a rent of £525 per calendar month.
3. *The Renting Homes (Wales) Act 2016* was implemented on 1 December 2022. As a result of this the Applicant's statutory periodic tenancy was automatically converted to a periodic standard contract.

The Application

4. On 25 April 2024, the Respondent served a Notice of Variation of Rent in Form RHW 12 [page 67 of the bundle] pursuant to section 123 Renting Homes (Wales) Act 2016. This proposed a rent of £850 per calendar month from 3 July 2024 to replace the existing rent of £625 per calendar month

5. The Applicant has made an application for determination of the rent to the Tribunal in accordance with *section 3 The Renting Homes (Rent Determination (Converted Contracts) (Wales) Regulations 2022*.
6. On 21 May 2024, the Tribunal issued directions. Both parties have submitted written evidence in accordance with these directions.
7. The Applicant relies upon Ms Hopkin's statement 18 June 2024 [page 63 bundle]. In this statement Ms Hopkins raises the issue of the discrepancy in the rent she currently pays and that set out in the Notice of Variation. Ms Hopkins further states that the property is in a state of disrepair, she was served with notice to give up possession on 1 November 2023 and the property has been advertised for sale as a "GOOD SIZE property in need of some upgrading" [page 90 of the bundle].
8. The Respondent relies on Ms Waite's statement 4 June 2024 [page 67 bundle]. Ms Waite provides comparables for consideration by the Tribunal and considers that the current rental value of the property to be £925 per calendar month and £1,200 per calendar month if modernised.
9. The Tribunal inspected the Property on the morning of 19 August 2024 with the determination then taking place on the papers.

The Inspection

10. The property is located within the Coed Eva area of Cwmbran. Coed Eva lies to the south west of Cwmbran town centre and is accessed via Hollybush Way which skirts the south west of the town. Cwmbran is a 'new town' located within the county borough of Torfaen and was developed onwards from the late 1940's when the area was designated for planning and development. It has grown on a gradual basis since that date and is now an established Welsh town which lies approximately 4 miles north of the M4 motorway via the A4042 and south of Pontypool.
11. Oxtens is a purpose-built estate of mixed housing, probably constructed circa 1970s. The estate provides dwellings of similar architecture, with properties having distinctive mono pitched roof structures. There are local amenities in the area including schools, shops, public houses and bus links. Cwmbran town centre lies to the north-east.
12. The subject property is a two-storey terraced property which is accessed on foot via a footpath that extends to the side of a block of 4 properties of which Number 26 is one. Access is slightly concealed and is not obvious. Car parking is communal within the main estate access area.
13. 26 Oxtens is a traditionally constructed dwelling with cavity construction and facing brick elevations under a mono-pitched tiled roof. There is a small, recessed area to the front door and enclosed rear garden area. Windows and doors are white UPVC type and of older style, rainwater goods are of similar UPVC type. There is a single storey attached storage shed of solid construction under a flat roof to rear and a separate timber garden

shed. The rear garden has paved patio area, terraced lawn area and a separate raised decked area. There is side access onto the side pedestrian lane.

14. Internally the property has at ground floor level, entrance hallway, w.c and utility room, kitchen open plan to dining area and lounge. The kitchen is fitted with a range of dated fitted wall and floor units, inset sink and worksurfaces. There is a cooker space, integral fridge (tenant advises this is not working) and space for a washing machine or dryer. The ground floor rooms have patio style doors out to the rear garden area. At first floor level there are 3 bedrooms, two double and one single, plus a bathroom. The bathroom has a basic suite fitted, somewhat aged but providing bath with electric shower over, wash hand basin and w.c.
15. The property has gas fired central heating via a Worcester combination boiler located within the first-floor airing cupboard. Central heating radiators were noted throughout the principal rooms.
16. Internal wall finishes are a mix of wallpaper and emulsion finish, ceilings are predominantly artex textured type. There was evidence of fairly extensive mould growth to a number of the walls as evidenced by the tenant in her submission. There is also patch damp and mould staining to the ceilings at first floor level. The property is in need of modernising/upgrading and decorative works.

Deliberations

17. Following the implementation of the *Renting Homes (Wales) Act 2016* the Applicants occupation of the property was automatically converted to a periodic standard contract on 1 December 2022. Accordingly, jurisdiction to determine this matter arises by virtue of *regulation 3 The Renting Homes (Rent Determination (Converted Contracts) (Wales) Regulations 2022*.
18. The Tribunal has considered the notice dated 25 April 2024. The applicant raises the issue that this incorrectly states that the current rent is £625 when this has been £675 since the last increase on 6 April 2023. Otherwise, the validity of this notice is not in dispute. The Tribunal have had regard to the Applicant's representations and are satisfied that the notice complies with the requirements of *section 123(1) (2) (3) Renting Homes (Wales) Act 2016*.
19. Therefore, the Tribunal is to determine the rent which the property might reasonably be expected to let in the open market by a willing landlord under the same type of relevant converted contract having regard to *regulation 6 The Renting Homes (Rent Determination (Converted Contracts) (Wales) Regulations 2022*.
20. The comparables provided by the Respondent for consideration are wide ranging and reference differing styles/ages and levels of specification [page 58-62 of the bundle]. None are on their own particularly compelling. It would appear that some comparables are asking rents and others are marked at 'let', they are noted as indicative of the market as asking rents, but we do not have the full detail behind them. The market is

noted as very competitive at the current time. Kingsland Walk a 3 bed mid terrace is noted at £895 per calendar month asking rent and Henllys Way a 3 bed end of terrace at £950 per calendar month asking rent. Henllys Way is a 3 bed mid terrace noted as let at £950 per calendar month. A 2 bed flat at Blaen Bran Close is provided at £750 per calendar month. We are however not party to the detailed specification of these properties.

21. We have considered the availability of properties locally and note that asking rents can range from £725 for a well specified 2 bed flat to £995 per calendar month for a totally refurbished 3 bed terraced type of similar age to the subject property. The location and the current condition and specification of 26 Oxtens is bound to impact upon rent despite the relatively strong market. We consider that the condition of the subject property falls well below the standard of accommodation supplied in support of the upwards of £900 per calendar month put forward by the agent. We therefore consider that in its present condition the rental value is more fairly represented at £795 per calendar month.
22. Accordingly, the Tribunal determines the appropriate rental level to be £795 per calendar month commencing on 3 July 2024.

Dated this 20th day of August 2024

T E Richards-Clarke
Tribunal Judge