

**Y TRIBIWNYLS EIDDO PRESWYL
RESIDENTIAL PROPERTY TRIBUNAL
RENT ASSESSMENT COMMITTEE**

Reference: RAC/0029/04/25

Property: 5 Prince Leopold St, Adamsdown, Cardiff CF24 0HT

Applicant : Mr J. Thomas (Tenant)

Respondent: Cardiff Community Housing Association (Landlord)

Committee: Tribunal Judge Caroline Hunter (Legal Chair)
Mr Andrew Lewis FRICS (Surveyor Member)

Decision of the Rent Assessment Committee

The Committee determines that the fair rent payable for the property is £110.77 per week. The new rent is payable from 17th July 2025.

Reasons for the decision

Background

1. This matter concerns a reference from the Rent Officers Wales in respect of 5 Prince Leopold St, Adamsdown, Cardiff CF24 0HT ("the Property").
2. The previous rent, registered on 3rd March 2021, was £96.00 per week. The Landlord sought a revised rent of £114.53. The Rent Officer Wales assessed the rent as £110.50 per week. This was appealed by the Tenant.
3. Accordingly, the matter was referred to this Committee by the Rent Officer on 25th April, 2025.
4. By way of letters dated 2nd May, 2025 both the Landlord and Tenant were invited to make written representations by e-mail before 4 pm on 30th May 2025. The Tenant's representations were set out in his letter to the Rent Officer of 10th April, 2025:

I believe that the proposed rent increase is unfair and will make it difficult me to manage financially.

I would like to request a consultation meeting regarding the fair rent assessment for my home.

Given my circumstances, I would like to propose a fair rent to be £104 weekly.

Additionally, my wife has been diagnosed with dementia and is currently in a care home. I am only working part-time, which means I have a very limited income.

Given the condition of the property, including drafts through the windows and walls that make it expensive to heat, I have discussed this with the housing officer and I am waiting for the repairs to be completed. I have a speech impediment and feel I am at a disadvantage as I cannot communicate due to this my issues are not being addressed.

I believe that the postponed rent of £110.50 per week is too high, I consider a fair rent to be £104 per week.

5. The Landlord responded by way of representations from Natalie Dowling, Finance Business Partner-Housing Services. Her response was:

The £114.23 weekly rent that we originally proposed to the fair rent office is our base rent which we believe is fair based on the property type. We aim to charge all properties of this type across our general needs portfolio this base rent to ensure fairness and consistency across our properties. We take the property type (house/flat), number of bedrooms and SAP rating into account when determining the base rent. However, as Mr. Thomas is a fair rent tenant we will accept the £110.50 weekly amount that the fair rent officer has concluded is fair.

We appreciate Mr. Thomas' concerns in their letter dated 10th April 2025 and we are very sorry to hear about Mr. Thomas' wife's diagnosis. We have an in house money solutions team that can contact Mr Thomas to see if they can help them claim any extra HB/UC as a result of these change in circumstances. The properties SAP rating is already considered when we determine our base rent and our property services team are on hand to assist with any property issues. We are inclusive of all disabilities here at CCHA and have several ways Mr Thomas can communicate with us, including telephone, email, letter, BSL interpreters, and of course our teams are always on hand at our Tolven Court office.

We would like to go through the process needed to progress this objection as we do not accept the tenants proposed rent of £104 per week.

The Inspection

6. An inspection of the property was carried out by the Surveyor Member Mr Andrew Lewis FRICS on the morning of 15th July 2025 when Mr Thomas was in attendance.
7. The property is small mid-terraced two storey house constructed in cavity brick/block walls under a pitched slate covered roof. On the ground floor is a small entrance lobby leading into the lounge, and then the kitchen. On the first floor there is a single double bedroom and bathroom/wc. Outside there are gardens to front and rear.
8. The property enjoys gas central heating from a combi boiler located in the kitchen and all window frames are of uPVC and double glazed. Overall, the property was in reasonable structural condition but would benefit from complete internal redecoration.
9. On street parking is available immediately to the front of the property

The Law

10. When determining a fair rent the Committee, in accordance with Section 70 of the Rent Act 1977 ("the Act"):
 - a. has regard to all the circumstances (other than personal circumstances) including the age, location, and state of repair of the property;
 - b. disregards the effect on the rental value of the Property of (a) any relevant Tenant improvements; and (b) any disrepair or other defect attributable to the Tenant or any predecessor in title under the regulated tenancy;
 - c. assumes (as required by Section 70(2) of the Act) that, whatever might be the case, the demand for similar rented properties in the locality does not significantly exceed the supply of such properties for rent. In other words, the Committee must make certain assumptions regarding scarcity and demand for rental properties in the area.

11. In *Spath Holme Ltd -v- Chairman of the Greater Manchester etc. Committee* (1995) 28 HLR 107 and *Curtis -v- London Rent Assessment Committee* [1999] QB 92, the Court of Appeal emphasised that Section 70 of the Act means that ordinarily a fair rent is the market rent for the subject property discounted for “scarcity”; and that for the purposes of determining the market rent, assured tenancy (market) rents are usually appropriate comparables (although these rents may need to be adjusted to reflect any relevant differences between these comparables and the subject property (e.g. furnished and unfurnished)).
12. Accordingly, once the market rent for the Property has been determined pursuant to Section 70 of the Act, that rent must then be adjusted, where necessary, for any differences between the relevant comparables and scarcity.
13. The Committee is also required to have regard to the Rent Acts (Maximum Fair Rent) Order 1999 (the “Maximum Fair Rent Order”), which places a cap on the permissible amount of increase of fair rent between one registration and a subsequent registration. The cap is based upon the amount of increase in the Retail Prices Index between the dates of the respective registrations. The Maximum Fair Rent Order does not apply if there have been improvements to the property since last registration and the improvements would mean the rent would be increased by more than 15% as a consequence.
14. By virtue of Section 72 of the Act, the registration of the rent takes effect from the date upon which the Committee reached its decision. In this case, that date is 17 July 2025. The Committee is unable to backdate a new registered rent by virtue of this provision.

The Rent Officer’s Decision

15. The Rent Officer’s decision based on two comparables was:

Relevant Market Rent:	£159.59
Section 70(1)(a) (age/character/location):	- £10.00
Section 70(1)(b) (furniture):	- £12.00
16. This led to an adjusted market of £135.95 to which a further adjustment of 20% was made to reflect scarcity. The final rounded rent was: £110.50. This was lower than the “Maximum Fair Rent Order” cap.

Committee’s Assessment of Rent

17. The starting point in assessing rent under Section 70 of the Act is to establish the market rent for the Property. To that market rent, a number of adjustments are made to reflect the requirements of Section 70 of the Act. This cannot include the tenant’s personal circumstances (see s.70). It can be adjusted for take in account the state of repair of the property. Mr Thomas’ objections are based on these two issues. We must disregard his personal circumstances however difficult they may be. As set out below (and in the light of the Inspection) we have taken into account the age, location, and state of repair of the property as far as possible.
18. The Committee has considered the market evidence provided by the Rent Officer and undertook their own search for comparable evidence of the rental market for small one-bedroom flats or houses in the Adamsdown/Splott area. They found five properties where the rents ranged between £750 to £925 per calendar month where some had been

let on a furnished basis. Having regard to this evidence the Committee came to the opinion that the market rent of the subject was £750 per calendar month, as the letting was on an unfurnished basis.

19. From this figure further adjustments were necessary as there were no carpets or curtains included with the letting, with the kitchen and bathroom at the property being relatively basic in comparison to the comparable evidence. Also, the property would require complete internal redecoration if the property became vacant, which would fall to the landlord to undertake before it could be relet, and an allowance was made for this factor. Overall, these adjustments totalled £150 per month, with a resultant net figure of £600 per calendar month.
20. As required by Section 70 of the Act the Committee must consider the scarcity of rental properties in the market. Within Cardiff there is a consistent excess of demand for small homes in comparison to their supply, and therefore the Committee made a further adjustment to take account of this factor of 20%. Accordingly, the Fair Rent arising from this adjustment is £480.00 per calendar month (£110.77 per week).
21. The Committee calculated the Maximum Fair Rent under the Order of 1999, but this was above the Fair Rent they had determined and accordingly was not relevant to this reference.

Calculations

22. Applying the Committee's findings and conclusions, the Committee has determined the rent as follows:

Market Rent		£750.00	£173.03
LESS ADJUSTMENTS (if appropriate)			
Lack of Central Heating	£0.00		
Carpets / Curtains	£35.00		
Basic Kitchen / Bathroom	£35.00		
Redecoration	£80.00		
Double Glazing	£0.00		
Other (specify)	none	£150.00	
ADJUSTED MARKET RENT		£600.00	
Deduct for Scarcity at	20%	£120.00	
' Fair Rent ' (Ex - Services)		£480.00	
Add Services (if any)		0	
		£480.00	£110.77

Signed:

A handwritten signature in cursive script, appearing to read 'Caroline Hunter'.

Tribunal Judge Caroline Hunter (*Chair*)
Dated 17th July 2025