

Rent Assessment Committee: Summary reasons for decision.

Housing Act 1988

Address of Premises

5 Nursery Close
Whitstable
Kent CT5 1PD

The Committee members were

Mr I Mohabir LLB (Hons)
Mr R Athow FRICS MIRPM

1. Background

On 28 March 2006 the tenant of the above property referred to the Committee a notice of increase of rent served by the landlord under section 13 of the Housing Act 1988.

The landlord's notice, which proposed a rent of £620 per calendar month with effect from 1 May 2006 is dated 10 March 2006.

The tenancy is a periodic tenancy which commenced on 1 September 1995. The current rent is £520 per calendar month.

2. Inspection

The Committee inspected the property on 16 May 2006 and found it to be in overall fair condition.

3. Evidence

The committee received written representations from the landlord and the tenant and these were copied to the respective parties.

Neither party requested a hearing at which oral representations could be made.

In accordance with the terms of section 14 Housing Act 1988 the Committee proceeded to determine the rent at which it considered that the subject property might reasonably be expected to be let on the open market by a willing landlord under an assured tenancy.

In coming to its decision the Committee had regard to the evidence supplied by the parties and the members' own general knowledge of market rent levels in the area of East Kent and concluded that an appropriate market rent for the property would be £565 per calendar month.

The Committee therefore concluded that the rent at which the property might reasonably be expected to be let on the open market would be £565 per calendar month.

Chairman J. K. ...

This document contains a summary of the reasons for the Rent Assessment Committee's decision. If either party requires extended reasons to be given, they will be provided following a request to the committee clerk which must be made within 21 days from the date of issue of this document.

IN THE SOUTHERN RENT ASSESSMENT PANEL

CHI/29UC/MNR/2006/0039

IN THE MATTER OF 5 NURSERY CLOSE WHITSTABLE, CT5 1PD

BETWEEN:

MR B SMITH

Tenant

-and-

MISS E BERRY

Landlord

THE COMMITTEE'S REASONS

BACKGROUND

1. This is a reference by a tenant, Mr B Smith, of a landlord's notice proposing a new rent for a monthly periodic tenancy. The landlord is Miss E Berry.
2. It is common ground between the parties that Mr Smith's tenancy commenced on 1 September 1995. The Committee was not provided with a copy of any tenancy and, presumably, none exists. Mr Smith, therefore, appears to have an assured monthly periodic tenancy commencing on the first day of each calendar month. Accordingly, the current tenancy is governed by the provisions of the Housing Act 1988 ("the Act") (as amended). The current rent is £520 per calendar month

payable.

3. By a notice under section 13(2) of the Act 1988 dated 10 March 2006, Miss Berry proposed that a new rent of £620 per month should be paid from 1 May 2006.
4. By a section 13(4) notice dated 28 March 2006, Mr Smith referred the matter to the Committee.

INSPECTION

5. The Committee inspected the subject property on 16 May 2006. The property is a semi-detached bungalow built about 40 years ago in a residential area of Tankerton and comprises entrance porch, entrance hall, lounge, kitchen, 2 bedrooms, bathroom/Wc. There are gardens front and rear. There is a dilapidated garge but it is impossible to drive a car to it as the entrance steps project across the driveway.

DETERMINATION

6. Neither party requested a hearing in this matter. The Committee's determination was based entirely on the documentary evidence and written representations provided by both parties. The Committee's determination is made pursuant to section 14(1) of the Act, subject to any of the statutory disregards set out under section 14(2). It is not necessary to set out here the detailed provisions of the legislation. Effectively, the Committee must determine what rent that the subject

property might reasonably be expected to be let at in the open market by a willing landlord under an assured tenancy.

7. On the issue of the appropriate open market rent, in her written representations to the Committee, Miss Berry contended that she had been advised by local letting agents that the appropriate rent was £600-700 per calendar month. Having regard to this advice, she submitted that £620 per calendar month was the appropriate market rent for the subject property. In support of her proposed rental figure of £620 per calendar month, Miss Berry adduced evidence of comparable properties with rents ranging from £500 to £695 per calendar month. Save for one unparticularised property, these comparables provided the Committee with little or no assistance because they related to significantly different properties than the subject property. The Committee was also not told if the comparable properties had been rented or whether the stated rents were asking rents. It was assumed that these properties were being let on the open market on an assured (shorthold) tenancy, furnished, in good decorative order and with the carpets, curtains and white goods supplied by the landlord.
8. Miss Berry also informed the Committee that, since the last Committee's determination on, the property had been redecorated externally and minor repairs to some window handles carried out. In his written representations to the Committee, Mr Smith asserted that the external redecoration had not been carried out to a proper standard and that the locks to the living room window was still

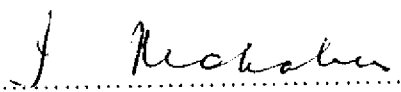
broken making it impossible to open. He also stated that the carpets in the property needed replacing and that both the garage and some of the paths around the property were in disrepair.

9. In reaching its determination in this matter, the Committee carefully considered the written representations of both parties and the comparable evidence adduced by Miss Berry. The Committee's determination was also based on its inspection of the subject property its own expert knowledge and experience.
10. The Committee largely accepted the Miss Berry's submissions regarding the appropriate market rent for the subject property. The Committee determined that was in the region of £625 per calendar month. This determination is made on the assumption that the property is furnished, in good decorative order (with a continuing obligation on the part of the landlord to redecorate internally and externally) and had the benefit of carpets, curtains and white goods provided by the landlord.
11. However, It is clear that the subject property was not let on this basis. It is common ground white goods or curtains had not been provided by Miss Berry from the outset out the tenancy. On any view, the property was sparsely furnished. On inspection, the Tribunal found the existing carpets were coming to the end of their lifetime and were not generally in a good condition normally found in a modern letting. The bathroom contained a dated white bath, wash

basin and WC. In addition, the Tribunal found that the garage and paths generally around the property were in varying states of disrepair. The Committee did not consider the improvements claimed by Mr Smith would materially affect the market rent and took no account of these. Having regard to all of these matters, the Committee determined that they warranted total deductions amounting to £60 from the initial market rent.

12. From the initial market rent of £625 per calendar month, the total deductions made by the Committee to reflect the actual condition of the subject property was £60. Therefore, the Committee determined that a rent of £565 per calendar month would be payable from 1 May 2006, being the date specified by Miss Berry in her notice of increase.

Dated the 6 day of July 2006

CHAIRMAN.....

Mr I Mohabir LLB (Hons)