

Rent Assessment Committee: Summary reasons for decision.**Housing Act 1988****Address of Premises**

26 The Crescent
Old Town
Eastbourne
East Sussex BN20 8PU

The Committee members were

Ms J A Talbot MA (Cantab)
Mr A O Mackay FRICS]
Ms J Dalal

1. Background

On 06/02/2003 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 £850.00 per calendar month with effect from 09/10/2003 is dated 18/08/2003.

The tenancy is a monthly periodic tenancy which commenced in June or July 1992. The current rent is £600.00 per calendar month.

2. Inspection

The Committee inspected the property on 24/11/2003 and found it to be overall in fair condition, as further described below.

The property comprises a semi-detached house built in 1947, situated on level ground in the Old Town/Victoria Avenue area of Eastbourne. The house was originally built as council stock, with rough cast rendered and painted elevations under a pitched and tiled roof. The property is arranged on ground, first and second floors, with a single storey back addition with a flat felt top roof, and a large dormer on the second floor. It has plastic double-glazed windows with diamond lead-effect comes. There is a detached single garage with an up-and-over door, which is in a dilapidated state, with

a leaking asbestos roof. The external paint work to the rough cast render is in poor condition, and the property is in need of thorough exterior decoration.

The accommodation consists of one converted attic room on the second floor, 3 bedrooms and bathroom/W.C. on the first floor, and 3 rooms on the ground floor plus a large kitchen and downstairs cloakroom. The 2 front ground floor rooms both have decorative brick fireplaces, with some evidence of penetrating damp to the exterior facing chimney breast. The 3rd rear narrow ground floor room was originally the kitchen, and is now used as a study. The property has a central heating system with a new boiler situated in the kitchen, recently installed by the landlord. The kitchen and bathroom fittings are relatively modern.

The following qualifying tenant's improvements had been made to the property: installation of additional electrical power points throughout, artexing and coving to ceilings, removal of central chimney stack and fitting of handrail to second storey staircase, renovation and maintenance of the rear garden and patio. The tenant had also provided all carpets, curtains, furniture and white goods.

There are no services are provided for the tenant.

3. Evidence

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

A hearing was held at Eastbourne on 24/11/2003 at which oral representations were made by the tenant. The landlord was not present or represented.

The Committee considered the comparable evidence put forward by the parties. The landlord had provided copies of letting advertisements from a local newspaper, citing a 4 x bedroom property in Pevensey Bay, centrally heated and fully furnished, on the market at £850.00 pcm, and 2 further 4 x bedroom properties at Stone Cross and North Harbour, advertised at £900.00 and £950.00 pcm respectively.

The tenant gave evidence that he had viewed the Pevensey Bay property internally, and that it was furnished and decorated to a high standard. The Stone Cross property was only 2/3 years old, the North Harbour property was only one year old, and both were likely to be very well appointed. All of these properties were, moreover, in more desirable areas. The tenant therefore did not regard them as helpful or relevant comparables. He considered that a realistic open market rent for the subject property, taking into account its age, character, locality and state of repair, would be in the region of £700.00.

4. The law

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 so doing the Committee, as required by section 14(1), ignored the effect on the rental value of the property of any relevant tenant's improvements as defined in section 14(2) of that Act.

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 Eastbourne.

Having carefully considered the evidence, the Committee and decided that the starting point for the open market rent, to reflect the condition of the property, the disrepair and the fact that the garage was not useable, was £710.00 pcm. It then applied the statutory disregard to reflect the rental value of the tenant's improvements, as listed above, and decided that the appropriate adjustment would be £20.00 pcm. This left a net market rent of £690.00 pcm.

5. The decision

The Committee therefore concluded that the rent at which the property might reasonably be expected to be let on the open market would be £690.00 per calendar month.

The Committee then considered the date from which the new rent should take effect, and whether any undue hardship would be caused to the tenant if that date was to be the date specified by the landlord in the notice of increase. The tenant gave evidence that he was the only wage earner in the family and that his income had been reduced since September 2003 because of the effect of the recently introduced child tax credit and his son being in full time education. However, the Committee noted that in any event, the full rent had been met by Housing Benefit.

The Committee therefore concluded that no undue hardship would be caused to the tenant. This rent will take effect from 09/10/2003, being the date specified by the landlord in the notice of increase.

Chairman J. Talbot
Ms J Talbot

Dated 05/12/03

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.