

Eastern Rent Assessment Panel

Great Eastern House Tenison Road Cambridge CB1 2TR

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**Residential
Property
TRIBUNAL SERVICE**

REASONS FOR DECISION OF RENT ASSESSMENT COMMITTEE

Reasons requested by Landlord/Tenant under section 10 of the Tribunals and Enquiries Act 1992 and Regulation 10a of the Rent Assessment Committees (England and Wales) Regulations 1971.

SUMMARY

PROPERTY: Hall Farm Cottage, Kirby Bedon, Norwich, Norfolk NR14 7DZ
Ref. No. CAM/33UH/MNR/2003/0111
Date of Decision: 24 November 2003

Landlord: T J Colman Esq (agents Smith-Woolley, Norwich)
Tenant: Philip D Hodge & Susan K Addinall

Rent at date of Landlord's Notice: £400 per calendar month (w.e.f. 16.7.02)
Rent proposed by Landlord: £475 p.c.m. (w.e.f. 16.1.04)
Rent determined by Committee: £495 p.c.m.
Date new rent takes effect: 16 January 2004

MEMBERS OF THE COMMITTEE

Mr G M Jones - Chairman
Mr G J Dinwiddy FRICS
Mr R S Rehahn

1. THE PREMISES

- 1.1 The type of property: Three-bedroom detached house + double garage and workshop
Location: Secluded rural setting about 4 miles from Norwich
Inspection:
This is a Victorian brick and tile farm cottage dating from about 1876. An adjacent barn has been converted to provide a double garage and a large workshop (with heating and lighting by the tenants). The structure is generally in reasonable condition and external decorations are fair. Drainage is to a cesspit emptied at the tenants' expense. The rooms are not large but are of reasonable size. A ground floor bathroom has been added which is adequate but not smart. The tenants have fitted a mixer tap and shower unit above the bath and added extra tiling. The kitchen fittings are modern and have been added to by the tenants. A Parkray type solid fuel stove supplies heat to three radiators and in theory provides hot water. An electric immersion heater is also fitted. Additional space heating is provided by an open fire in the living room and by the tenants' night storage heaters and other appliances. The tenants have also provided loft insulation and a burglar alarm. The electrical wiring is modern but there is a shortage of power points. There is some minor disrepair. More major disrepair caused by damp has recently been remedied. Floor coverings are by the tenants.

2. THE TENANCY

- 2.1 Tenancy commenced: 16.2.96
Period of tenancy: Monthly
Noteworthy terms: None
Landlord & Tenant Act 1985 s.11 applies

3. THE APPEAL

- 3.1 Date of landlord's section 13 notice: 2.10.03
This was the first increase since: 16.7.02
Date of tenants section 14 application: 13.10.03
Hearing: No

4. THE PARTIES' RESPECTIVE CASES

- 4.1 See written representations on file. The tenants refer to disrepair and tenants' improvements and the previous policy of the Estate, which was to seek an increase once every two years. The landlord's new agents have sought an increase within two years from the date of the last increase. The new rent should reflect the substantial inconvenience caused by delays in carrying out recent repairs.

5. THE LAW

- 5.1 In general terms, the task of the Committee under the provisions of section 14 of the Housing Act 1988 is to determine the rent at which the dwelling-house concerned might reasonably be expected to be let in the open market by a willing landlord. It follows that the personal circumstances of the parties are irrelevant and the Committee cannot take them into account.
- 5.2 The Committee must disregard any effect on the rent attributable to the granting of a tenancy to a sitting tenant, any increase in value attributable to "relevant" tenants' improvements and any reduction in value attributable to a failure by the tenant to comply with any terms of the tenancy. Full Reasons (if requested) will set out the relevant legal principles in detail.
- 5.3 The landlord is entitled to apply for an increase once every 12 months. The Committee must take the property as it stands and cannot have regard to previous events which may have caused loss or inconvenience to the tenants. Such matters fall within the jurisdiction of the county court under a claim for damages eg for nuisance or breach of covenant.

6. THE DECISION

- 6.1 Summary of findings and conclusions:-

This is an attractive cottage in a desirable location. It is not fully modernised and suffers from a few items of minor disrepair. If the tenants' improvements were stripped out, the property would be significantly less attractive to prospective tenants. Nevertheless, it would still be quite attractive.

The Committee considers that the open market rental value of the property, if let fully modernised and in good condition throughout with central heating, carpets and curtains, would be £600 p.c.m. Stripping out the tenants' improvements and allowing for the partial heating system; the quality of the kitchen and bathroom; the lack of carpets and curtains; and minor disrepair, the Committee deducts £105 p.c.m. to reach a figure of £495 p.c.m.

- 6.2 Tenant's improvements (to be disregarded) have been stripped out and call for no separate deduction.

Reasonable open market rent	£495 p.c.m.
Undue hardship to tenant:	No
Date rent takes effect:	16.1.04

Geraint M Jones MA LLM (Cantab)
Chairman



Note: This is a summary of the Committee's reasons for its decision. Should you require more detailed reasons, they can be supplied but only if a written request is received by the Panel Office within 21 days from receipt of this document. The papers will then be returned to the Chair for such detailed reasons to be prepared.