

file

**Eastern Rent Assessment Panel**

Great Eastern House Tenison Road Cambridge CB1 2TR  
Telephone: 0845 1002616 Facsimile: 01223 505116



Mr and Mrs T Chaney  
Cemetary Lodge  
Holt Road  
Cromer  
Norfolk NR27 9JJ

1 April 2004

Dear Mr and Mrs Chaney

**Cemetary Lodge, Holt Road, Cromer**

Thank you for your application referring a notice of increase in your rent for assessment by a Rent Assessment Committee. In view of the unusual circumstances, I have asked our lawyer President to consider the papers and he has asked me to send this reply.

Unfortunately, we cannot accept your application because the landlord has not served the correct statutory notice. If and when a correct notice is served, we shall need to see an original of your tenancy agreement or confirmation from you both that the draft you have submitted is the same as the original. If it is, then the legal position needs to be clarified and this may involve an application to the county court.

Up to 1995, you appeared to occupy under some sort of service occupancy. Thereafter you entered into the agreement which was an assured tenancy which may have been an assured shorthold tenancy depending upon whether a notice was served confirming that it was an assured shorthold. If it was an assured shorthold tenancy then you have been 'holding over' since that agreement came to an end. However, if, as we suspect, you had an ordinary assured tenancy, then at the end of the 3 year period you would have had a statutory assured periodic tenancy in which case we can assess the rent.

However, all we can do is assess the open market rent. This is important because there is a term which appears in the contractual tenancy which may limit the rent to that which would be fixed by the Rent Service as a registered rent. Such a term would automatically be transferred to the statutory tenancy. A registered rent is usually below the market rent for a property.

The upshot of all this is that someone will have to apply to the county court for a decision as to what type of tenancy you have.

Continued overleaf

*file*

**Eastern Rent Assessment Panel**

Great Eastern House Tenison Road Cambridge CB1 2TR  
Telephone: 0845 1002616 Facsimile: 01223 505116



**Residential  
Property**  
TRIBUNAL SERVICE

Mr and Mrs T Chaney  
Cemetary Lodge  
Holt Road  
Cromer  
Norfolk NR27 9JJ

1 April 2004

Dear Mr and Mrs Chaney

**Cemetary Lodge, Holt Road, Cromer**

Thank you for your application referring a notice of increase in your rent for assessment by a Rent Assessment Committee. In view of the unusual circumstances, I have asked our lawyer President to consider the papers and he has asked me to send this reply.

Unfortunately, we cannot accept your application because the landlord has not served the correct statutory notice. If and when a correct notice is served, we shall need to see an original of your tenancy agreement or confirmation from you both that the draft you have submitted is the same as the original. If it is, then the legal position needs to be clarified and this may involve an application to the county court.

Up to 1995, you appeared to occupy under some sort of service occupancy. Thereafter you entered into the agreement which was an assured tenancy which may have been an assured shorthold tenancy depending upon whether a notice was served confirming that it was an assured shorthold. If it was an assured shorthold tenancy then you have been 'holding over' since that agreement came to an end. However, if, as we suspect, you had an ordinary assured tenancy, then at the end of the 3 year period you would have had a statutory assured periodic tenancy in which case we can assess the rent.

However, all we can do is assess the open market rent. This is important because there is a term which appears in the contractual tenancy which may limit the rent to that which would be fixed by the Rent Service as a registered rent. Such a term would automatically be transferred to the statutory tenancy. A registered rent is usually below the market rent for a property.

The upshot of all this is that someone will have to apply to the county court for a decision as to what type of tenancy you have.

Continued overleaf

(2)

Mr and Mrs T Chaney

1 April 2004

If the situation is as we assume, then evidence will have to be given to the county court judge as to what level of rent a Rent Officer would set for a registered rent. If you simply have an assured tenancy with no such limitations as to rent, you can refer the matter to us again.

I am sorry that I cannot be more helpful at present. May I suggest that you obtain legal advice on your tenancy, either from a Citizens' Advice Bureau, a housing advice service (if there is one in your area) or a solicitor with experience of housing law. You will need to take with you the tenancy agreement, all correspondence with your landlord that you have kept since the beginning of your first tenancy, and this letter.

I understand from Mr Tony Bond of Keys Estate Agents that although they wrote to you about the rent, they are not acting as the managing agents for the property for Cromer Town Council. He was previously dealing with a Ms D Dann at the Council offices, and I am sending her a copy of this letter.

Yours sincerely

A handwritten signature in black ink that reads "Ann Oates". The signature is written in a cursive, flowing style.

**Ann Oates**  
Panel Secretary