

Rent Assessment Committee: Summary reasons for decision.
Rent Act 1977

Address of Premises

FLAT 1 SELKIRK COURT,
PITTVILLE CIRCUS
CHELTENHAM
GLOUCESTERSHIRE
GL52 2QS

The Committee members were

Mr I R Perry BSc (Est Man) FRICS
Mr J R Boddy MRICS
Ms C L Andrews

1. Background

On 1 September 2003 the landlord applied to the rent officer for registration of a fair rent of £58.85 per week for the above property.

The rent payable at the time of the application was £55.00 per week

The rent was previously registered on 5 July 2001 with effect from 8 September at £55.00 per week following a determination by rent officer.

On 19 November 2003 the rent officer registered a fair rent of £61.00 per week including £13.23 in respect of services with effect from that date.

By a letter dated 1 December 2003 the landlord objected to the rent determined by the Rent Officer and the matter was referred to the Rent Assessment Committee.

2. Inspection

The Committee was unable to gain access at the appointed time in order to inspect the property internally and therefore made an external inspection only.

The registered rent includes a sum of the services as listed on the rent register.

3. Evidence

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

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

4. The law

When determining a fair rent the Committee, in accordance with the Rent Act 1977, section 70, had regard to all the circumstances including the age, location and state of repair of the property. It also disregarded the effect of (a) any relevant tenant's improvements and (b) the effect of any disrepair or other defect attributable to the tenant or any predecessor in title under the regulated tenancy, on the rental value of the property.

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 emphasized

- (a) that ordinarily a fair rent is the market rent for the property discounted for 'scarcity' (i.e. that element, if any, of the market rent, that is attributable to there being a significant shortage of similar properties in the wider locality available for letting on similar terms - other than as to rent - to that of the regulated tenancy) and
- (b) that for the purposes of determining the market rent, assured tenancy (market) rents are usually appropriate comparables. (These rents may have to be adjusted where necessary to reflect any relevant differences between those comparables and the subject property).

5. Valuation

Thus in the first instance the Committee determined what rent the landlord could reasonably be expected to obtain for the property in the open market if it were let today in the condition that is considered usual for such an open market letting. It did this by having regard to the evidence supplied by the parties and the Committee's own general knowledge of market rent levels in the area of Cheltenham. Having done so it concluded that such a likely market rent would be £85.00 per week.

However, the actual property is not in the condition considered usual for a modern letting at a market rent. Therefore it was first necessary to adjust that hypothetical rent of £85.00 per week to allow for the differences between the condition considered usual for such a letting and the condition of the actual property as observed by the Committee (disregarding the effect of any disrepair or other defect attributable to the tenant or any predecessor in title). The Committee considered that this required a deduction of £10.00 per week.

This leaves a net market rent for the subject property of £75.00 per week.

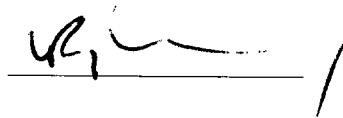
6. Decision

The fair rent initially determined by the Committee, for the purposes of section 70, was accordingly £75.00 per week inclusive of £10.58 per week in respect of services.

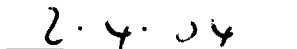
However, by virtue of the Rent Acts (Maximum Fair Rent) Order 1999 the maximum fair rent that can be registered in the present case is the lower sum of £61.00 per week inclusive of services.

Accordingly the sum of £61.00 per week inclusive of services of £10.58 per week will be registered as the fair rent with effect from 23 February 2004 being the date of the Committee's decision.

Chairman



Dated



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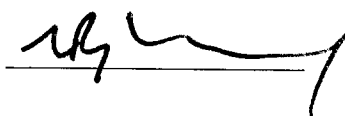
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Accordingly the sum of £61.00 per week inclusive of services of £10.58 per week will be registered as the fair rent with effect from 23 February 2004 being the date of the Committee's decision.

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2.4.04

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1. Background

On 22 August 2003 the landlord applied to the rent officer for registration of a fair rent of £79.18 per week for the above property.

The rent payable at the time of the application was £74.00 per week

The rent was previously registered on 5 July 2001 with effect from 8 September 2001 at £74.00 per week following a determination by rent officer.

On 19 November 2003 the rent officer registered a fair rent of £82.00 per week including £10.58 in respect of services with effect from that date.

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However, the actual property is not in the condition considered usual for a modern letting at a market rent. Therefore it was first necessary to adjust that hypothetical rent of £115.00 per week to allow for the differences between the condition considered usual for such a letting and the condition of the actual property as observed by the Committee (disregarding the effect

of any disrepair or other defect attributable to the tenant or any predecessor in title). The Committee considered that this required a deduction of £15.00 per week

This leaves a net market rent for the subject property of £100.00 per week.

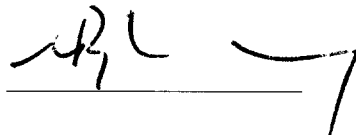
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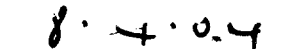
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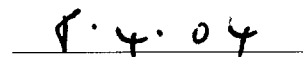
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W. L. - 7

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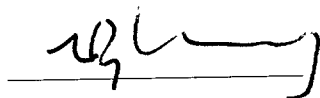
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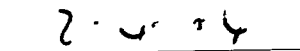
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