

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

Address of Premises

Top Floor Flat
20 Grosvenor Street
Cheltenham
Gloucestershire
GL52 2SG

The Committee members were

Mr I R Perry FRICS
Mr P Smith FRICS
Mr C Gale

1. Background

Via an undated form D0E16480, the tenant referred to the Rent Assessment Committee for a determination of a rent under an assured shorthold tenancy in accordance with The Housing Act 1988.

The passing rent of £325.00 per calendar month took effect from 30 December 2004 when the present tenancy began.

2. Inspection

The Committee inspected the property on Friday 29 April 2005 and found it to comprise the top floor flat in a block of four with a communal entrance hall giving access to the flat which comprised a living room, double bedroom, kitchen and shower room with wc.

The property is approached by a small set of steps with entry phone although this did not appear to be working on the day of inspection. There is also a small shared garden to the rear.

The property is situated within easy and level walking distance of Cheltenham town centre and appears to comprise part of a house in multiple occupation. There appears to be a fire alarm system in place.

The property is in poor condition with carpets provided by the landlord and curtains provided by the tenant. In the kitchen there is a basic sink unit with hot and cold water.

3. Evidence

The Committee had received written representations from the landlord and tenant and these had been copied to the parties.

4. The law

In accordance with the terms of Section 14 of the 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 tenants' 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 Cheltenham.

5. Decision

In the case of this Section 22 application the Committee, in order to be able to make a rental decision, firstly had to consider:-

[a] Whether there are a sufficient number of similar dwellings in the locality let on assured and assured shorthold tenancies, and

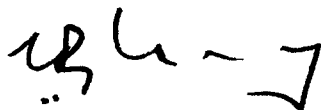
[b] Whether the passing rent of £325.00 per month is significantly higher than the rent which the landlord might reasonably be expected to achieve, having regard to the level of rents payable under those other tenancies.

Firstly, the Committee formed the view from the evidence submitted, and their own knowledge of the market that there were sufficient properties so let in the area.

Secondly they concluded that, having regard to the landlord's written evidence plus their own knowledge of appropriate rental levels in Cheltenham and area that, the passing rent of £325.00 per month was not significantly high.

Accordingly, under the terms of Section 22 they were not able to make a determination of the actual rental value of the subject property.

Chairman



Ian Perry FRICS

Dated

16 May 2005

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.