

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

**Address of Premises**

24 River Leys  
Cheltenham  
Gloucestershire  
GL51 9SE

**The Committee members were**

Mr Ian Perry BSc FRICS  
Mr Jolyon Boddy  
Mr Raymond Potter CB

### **1. Background**

On 23/08/02 the landlord applied to the rent officer for registration of a fair rent of £239.94 per calendar month for the above property.

The rent payable at the time of the application was £194.75 per calendar month including services.

The rent was previously registered on 31/10/00 with effect from 23/11/00 at £194.75 per calendar month following a determination by the rent officer.

On 28/10/02 the rent officer registered a fair rent of £192.83 per calendar month including £0.83 in respect of services (variable) with effect from 23/11/02.

By a letter dated 04/11/02 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 inspected the property on 27/02/03 and found it to be in fair condition as described more particularly in the Rent Officer's survey sheet which had been copied to the parties.

The following tenant's improvements had been made to the property.

The carpets and curtains are the tenants, and the space heating has been provided by the tenant.

The registered rent includes a sum for 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. No written representations were received from the tenant.

Neither party requested a hearing at which oral representations could 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 emphasised

- (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 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 £325 per calendar month for a full 100% share of the property.

To allow for the tenant's improvements (listed above) it was necessary to make a further deduction of £53 per calendar month.

The Committee did not consider that there was any substantial scarcity element and accordingly no further deduction was made for scarcity

This leaves a net market rent for the subject property of £272 per calendar month to which the sum of £25.71 in respect of services should be added.

The market rent was further reduced by 25% to a figure of £204 per calendar month to reflect the tenants share of ownership.

## **6. Decision**

The fair rent initially determined by the Committee, for the purposes of section 70, was accordingly £229.71 per calendar month inclusive of £25.71 per calendar month in respect of services.

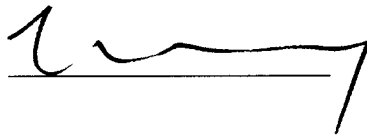
However, by virtue of the Rent Acts (Maximum Fair Rent) Order 1999 the maximum fair rent that can be registered in the present case is the lower sum of £220.21 per

calendar month inclusive of services (Details are provided on the back of the decision form).

**Accordingly the sum of £220.21 per calendar month inclusive of services of £25.71 per calendar month will be registered as the fair rent with effect from 27/02/03 being the date of the Committee's decision.**

The registered rent is to be confirmed as variable in accordance with the terms of the tenancy (Rent Act 1977, s.71(4)).

Chairman



Dated

3.4.2003.

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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 at the Panel Office which must be made within 21 days from the date of issue of this document.

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

**Address of Premises**

26 River Leys  
Cheltenham  
Gloucestershire  
GL51 9SE

**The Committee members were**

Mr Ian Perry BSc FRICS  
Mr Jolyon Boddy  
Mr Raymond Potter CB

### **1. Background**

On 23/08/2002 the landlord applied to the rent officer for registration of a fair rent of £239.94 per calendar month for the above property.

The rent payable at the time of the application was £194.75 per calendar month including services.

The rent was previously registered on 31/10/2000 with effect from 23/11/2000 at £194.75 per calendar month following a determination by the rent officer.

On 28/10/2002 the rent officer registered a fair rent of £192.83 per calendar month including £0.83 in respect of services (variable) with effect from 23/11/2002.

By a letter dated 04/11/2002 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, on 27<sup>th</sup> February 2003, at the appointed time in order to inspect the property internally and therefore made an external inspection only. It was assumed that any space heating belonged to the tenant, who would also provide carpets and curtains.

The registered rent includes a sum for 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. No written representations were received from the tenant.

Neither party requested a hearing at which oral representations could 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 emphasised

- (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 £325 per calendar month for a full 100% share of the property.

Furthermore, to allow for the tenant's improvements (listed above) it was necessary to make a further deduction of £53 per calendar month.

The Committee did not consider that there was any substantial scarcity element and accordingly no further deduction was made for scarcity.

This leaves a net market rent for the subject property of £272 per calendar month to which the sum of £25.71 in respect of services should be added. The market rent was further reduced by 25 % to a figure of £204 per calendar month to reflect the tenants share of ownership.

## **6. Decision**

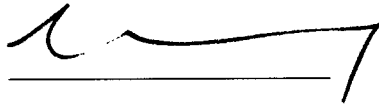
The fair rent initially determined by the Committee, for the purposes of section 70, was accordingly £229.71 per calendar month inclusive of £25.71 per calendar month in respect of services.

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 £220.21 per calendar month inclusive of services (Details are provided on the back of the decision form).

**Accordingly the sum of £220.21 per calendar month inclusive of services of £25.71 per calendar month will be registered as the fair rent with effect from 27/02/2003 being the date of the Committee's decision.**

The registered rent is to be confirmed as variable in accordance with the terms of the tenancy (Rent Act 1977, s.71(4)).

Chairman



Dated

3.4.2003

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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 at the Panel Office which must be made within 21 days from the date of issue of this document.



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

**Address of Premises**

28 River Leys  
Cheltenham  
Gloucestershire  
GL51 9SE

**The Committee members were**

Mr Ian Perry BSc FRICS  
Mr Jolyon Boddy  
Mr Raymond Potter CB

### **1. Background**

On 23/08/02 the landlord applied to the rent officer for registration of a fair rent of £239.94 per calendar month for the above property.

The rent payable at the time of the application was £194.75 per calendar month including services.

The rent was previously registered on 28/10/00 with effect from 23/11/00 at £194.75 per calendar month following a determination by the rent officer.

On 28/10/02 the rent officer registered a fair rent of £192.83 per calendar month including £0.83 in respect of services (variable) with effect from 23/11/02.

By a letter dated 04/11/02 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 inspected the property on 27/02/02 and found it to be in good condition as described more particularly in the Rent Officer's survey sheet which had been copied to the parties.

The following tenant's improvements had been made to the property.

Double glazed doors and windows, disabled access shower room with WC and wash basin. Space heating from night storage heater. Tenants carpets and curtains.

The registered rent includes a sum for 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. No written representations were received from the tenant.

Neither party requested a hearing at which oral representations could 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 emphasised

- (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 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 £350 per calendar month for a full 100% share of the property.

Furthermore, to allow for the tenant's improvements (listed above) it was necessary to make a further deduction of £78 per calendar month.

The Committee did not consider that there was any substantial scarcity element and accordingly no further deduction was made for scarcity.

This leaves a net market rent for the subject property of £272 per calendar month /to which the sum of £25.71 in respect of services should be added. The market rent was further reduced by 25% to a figure of £204 per calendar month to reflect the tenants share of ownership.

## **6. Decision**

The fair rent initially determined by the Committee, for the purposes of section 70, was accordingly £229.71 per calendar month inclusive of £25.71 per calendar month 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 £220.21 per calendar month inclusive of services (Details are provided on the back of the decision form).

**Accordingly the sum of £220.21 per calendar month inclusive of services of £25.71 per calendar month will be registered as the fair rent with effect from 27/02/03 being the date of the Committee's decision.**

The registered rent is to be confirmed as variable in accordance with the terms of the tenancy (Rent Act 1977, s.71(4)).

Chairman 

Dated 3.4.2003

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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 at the Panel Office which must be made within 21 days from the date of issue of this document.

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

**Address of Premises**

30 River Leys  
Cheltenham  
Gloucestershire  
GL51 9SE

**The Committee members were**

Mr Ian Perry BSc FRICS  
Mr Jolyon Boddy  
Mr Raymond Potter CB

### **1. Background**

On 23/08/2002 the landlord applied to the rent officer for registration of a fair rent of £226.74 per calendar month for the above property.

The rent payable at the time of the application was £182.75 per calendar month including services.

The rent was previously registered on 28/10/2000 with effect from 23/11/2000 at £182.75 per calendar month following a determination by the rent officer.

On 28/10/2002 the rent officer registered a fair rent of £179.83 per calendar month including £0.83 in respect of services (variable) with effect from 23/11/2002.

By a letter dated 04/11/2002 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 inspected the property on 27/02/03 and found it to be in fair condition as described more particularly in the Rent Officer's survey sheet which had been copied to the parties.

The following tenant's improvements had been made to the property.

Tenants carpets and curtains and the committee noted the absence of any space heating.

The registered rent includes a sum for 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. No written representations were received from the tenant.

Neither party requested a hearing at which oral representations could 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 emphasised

- (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 £325 per calendar month for a full 100% share of the property.

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 £325 per calendar month 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. The Committee considered that this required a deduction of £32 per calendar month, to reflect the lack of space heating.

Furthermore, to allow for the tenant's improvements (listed above) it was necessary to make a further deduction of £21 per calendar month.

The Committee did not consider that there was any substantial scarcity element and accordingly no further deduction was made for scarcity.

This leaves a net market rent for the subject property of £272 per calendar month to which the sum of £25.71 in respect of services should be added. The market rent was further reduced by 25 % to a figure of £204 per calendar month to reflect the tenants share of ownership.

## **6. Decision**

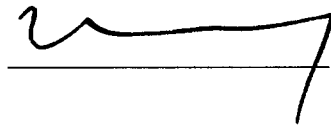
The fair rent initially determined by the Committee, for the purposes of section 70, was accordingly £229.71 per calendar month inclusive of £25.71 per calendar month in respect of services.

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 £206.71 per calendar month inclusive of services (Details are provided on the back of the decision form).

**Accordingly the sum of £206.71 per calendar month inclusive of services of £25.71 per calendar month will be registered as the fair rent with effect from 27/02/2003 being the date of the Committee's decision.**

The registered rent is to be confirmed as variable in accordance with the terms of the tenancy (Rent Act 1977, s.71(4)).

Chairman



Dated

1.4.2003

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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 at the Panel Office which must be made within 21 days from the date of issue of this document.



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

**Address of Premises**

150 River Leys  
Cheltenham  
Gloucestershire  
GL51 9SE

**The Committee members were**

Mr Ian Perry BSc FRICS  
Mr Jolyon Boddy  
Mr Raymond Potter CB

### **1. Background**

On 23/08/02 the landlord applied to the rent officer for registration of a fair rent of £176.25 per calendar month for the above property.

The rent payable at the time of the application was £136.85 per calendar month including services.

The rent was previously registered on 31/10/00 with effect from 23/11/00 at £136.85 per calendar month following a determination by the rent officer.

On 28/10/02 the rent officer registered a fair rent of £148.44 per calendar month

By a letter dated 04/11/02 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, on 27<sup>th</sup> February 2003, at the appointed time in order to inspect the property internally and therefore made an external inspection only. It was assumed that carpets and curtains were the tenants.

### **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 could 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 emphasised

- (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 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 £450 per calendar month for a full 100% share of the property.

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 £450 per calendar month 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. The Committee considered that this required a deduction of £45 per calendar month.

Furthermore, to allow for the tenant's improvements (listed above) it was necessary to make a further deduction of £27 per calendar month.

The Committee did not consider that there was any substantial scarcity element and accordingly no further deduction was made for scarcity

This leaves a net market rent for the subject property of £378 per calendar month. The market rent was further reduced by 50% to a figure of £189.00 per calendar month to reflect the tenants share of ownership.


## **6. Decision**

The fair rent initially determined by the Committee, for the purposes of section 70, was accordingly £189.00 per calendar month.

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 £149.50 per calendar month.

**Accordingly the sum of £149.00 per calendar month will be registered as the fair rent with effect from 27/02/03 being the date of the Committee's decision.**

Chairman



Dated

3.4.2003

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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 at the Panel Office which must be made within 21 days from the date of issue of this document.