

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

**Rent Act 1977**

**Address of Premises**

13 Hanover Glebe  
Nuneaton  
CV11 4NQ

**The Committee members were**

Mr A J Engel  
Mr M Williams  
Mrs E Everett

### **1. Background**

On 14/3/2005 the landlord applied to the rent officer for registration of a fair rent of £316.20 per month for the above property.

The rent payable at the time of the application was £216.00 per month (net of service charge).

The rent was previously registered on 7 April 2003 with effect from the same date at £270.00 per month following a determination by the rent officer.

On 19/5/2005 the rent officer registered a fair rent of £275.00 per month including £65.59 in respect of services (variable) with effect from that date.

By a letter dated 16/6/2005 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 17/8/2005 and found it to be in good condition.

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 tenant. 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 Nuneaton. Having done so it concluded that such a likely market rent would be £300.00 per month.

The Committee found that there was substantial scarcity in the locality and therefore deducted a further sum of £60.00 from the market rent to reflect this element.

**This leaves a fair rent for the subject property of £240.00 per month.**

**This leaves an occupational element of a fair rent for the subject property of £240.00 per month to which the service element of £65.59 in respect of services should be added; resulting in a fair rent of £305.59 per month.**

## 6. Decision

The fair rent initially determined by the Committee, for the purposes of section 70, was accordingly £305.59 per month inclusive of £65.59 per month in respect of services.

The section 70 fair rent determined by the Committee is at the same level as the maximum fair rent permitted by the Rent Acts (Maximum Fair Rent) Order 1999 and accordingly that rent limit has no effect. Details are provided on the back of the decision form.

**Accordingly the sum of £305.59 per month inclusive of services of £65.59 per month will be registered as the fair rent with effect from 17 August 2005 being the date of the Committee's decision.**

Chairman    Mr A J Engel

Dated        20 August 2005

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