

Rent Assessment Committee: Summary reasons for decision.
Housing Act 1988

Address of Premises

23 Crail View
Northleach
Cheltenham
Gloucestershire
GL54 3QH

The Committee members were

Mr I R Perry BSc (Est Man) FRICS
Mr D Wills

1. Background

On 20 September 2006 the tenant of the above property referred to the Committee a notice of increase of rent served by the landlord under section 13 of the Housing Act 1988.

The landlord's notice, which proposed a new rent of £1105 per month with effect from 24 September 2006 is dated 21 August 2006.

The tenancy is a periodic tenancy which commenced on 13 August 1997. The current rent is £1005 per calendar month.

2. Inspection

The Committee inspected the property on 13 November 2006 and found it to be as described in previous hearings and in generally good condition. Several roof tiles have slipped and external decorations to windows are in need of general maintenance.

3. Evidence

The committee received written representations from the landlord and tenant and these have been copied to all parties. The landlord had written to the Committee again on 8 November 2006. These documents had been sent to the tenant who had received them on Friday 10 November 2006. At the time of the inspection, the tenant handed copies of a further submission to the members of the Committee and to the landlord.

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

In correspondence, the tenants provided two comparables, namely Nos 6 & 10 Crail View. They asserted that 6 Crail View was let at £850 per calendar month and comprised a slightly larger property with a purpose built conservatory. They also referred to 10 Crail View which had been let at £895 per calendar month and comprised an identical property to No 23 but with a purpose built conservatory.

The landlord asserted that 6 Crail View was in a poorer position than the subject property and submitted a letter from Messrs Hamptons dated 8 November 2006 recommending a monthly rent of £1100 for 6 Crail View. This was on the basis that they had not inspected the property. He also informed the Committee that No 10 had now been sold.

The landlords also referred to 11 Nostle Road which had been advertised the previous week with an asking rent of £975 per month excluding water rates and furniture. The tenant asserted that 11 Nostle Road was a superior property in that it backed onto farmland and included a purpose built conservatory.

4. The law

In accordance with the terms of section 14 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 tenant's 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 Northleach and the surrounding area and concluded that an appropriate market rent for the property would be £975 per calendar month with the addition of £35 per calendar month in respect of the water rates to be paid by the landlord.

The Committee felt that the evidence of the recent letting of No 6 Crail View was of particular relevance. The Committee also came to the view that rental values had hardened considerably in

recent months with the upturn in the residential sales market. The Committee decided that the outstanding landlord's repairs would not materially affect the rental value.

During the inspection, the Committee also took careful notice to the amount of furniture and effects which were provided above the normal standard of fitted carpets, curtains and white goods. The Committee decided that the provision of these items would not materially affect the rental value which could be achieved in the open market and decided that no adjustment should be made to the rental to reflect these inclusions.

5. The decision

The Committee therefore concluded that the rent at which the property might reasonably be expected to be let on the open market would be £1010 per calendar month.

This rent will take effect from 24 September 2006 being the date specified in the original notice of increase.

Signed

Mr I R Perry
Chairman

Date 27th November 2006

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.