

**Rent Assessment Committee: full reasons for decision.**

**Housing Act 1988 Section 22**

**Address of Premises**

Ground Floor Flat,  
19 Hughenden Road,  
Hastings,  
E. Sussex TN34 3TG

**The Committee members were**

Mr J.B. Tarling MCMI  
Lady J. Davies FRICS  
Ms J. Dalal

**1. Background**

On the 15<sup>th</sup> March 2005 the tenant of the Premises referred to the Committee a rent under an assured shorthold tenancy under section 22(1) of the Housing Act 1988 ("the Act").

The tenancy agreement was dated 12<sup>th</sup> November 2004. It was for an initial term of 6 months starting on the 12<sup>th</sup> November 2004, at a rent of £385 a calendar month.

**2. Inspection**

The Committee had inspected the Premises on the 5<sup>th</sup> April 2005 in the presence of the tenant. The landlord was not present, nor was she represented.

The Committee found the Premises to be a maisonette on the ground and lower ground floors of the Building, with 1 reception room, one bedroom, a kitchen, bathroom, wc, and garden, and to be generally in a poor condition. In particular there were signs of lack of repair. There were gaps between the external walls and the soffits in which rainwater could access the main walls and make them damp. There was considerable water ingress around the door into the garden. There were signs of

dampness on the internal walls and some of the plumbing was leaking. There were no carpets in the common ways which were in a poor state of decoration.

### **3. Evidence**

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

### **4. Hearing**

Both parties requested a Hearing and one was held on 5<sup>th</sup> April 2005. The Tenant attended, but the landlord did not attend, nor was she represented. The Tenant said he thought a fair rent was £75 per week. He could not produce any comparable evidence to assist the Committee.

### **5. The law**

Section 22(1) provides :

“Subject to section 23.... The tenant under an assured shorthold tenancy may make an application.... to a rent assessment committee for a determination of the rent which, in the committee’s opinion, the landlord might reasonably be expected to obtain under the assured shorthold tenancy.”

Section 22(3) of the Act provides :

“Where an application is made to a rent assessment committee under subsection (1) above with respect to the rent under an assured shorthold tenancy, the committee shall not make such a determination as is referred to in that subsection unless they consider–

- (a) that there is a sufficient number of similar dwelling houses in the locality let on assured tenancies (whether shorthold or not); and
- (b) that the rent payable under the assured shorthold tenancy in question is significantly higher than the rent which the landlord might reasonably be expected to be able to obtain under the tenancy, having regard to the level of rents payable under the tenancies referred to in paragraph (a) above”

The Committee also reminded itself that this was not an application under the Rent Act 1977, and that there was no question of making any allowance for scarcity even if scarcity had been perceived to be substantial in the locality.

#### **5. The decision**

The Committee had regard to the members' own general knowledge of the locality, which the Committee found to be the area comprising the geographical County of Sussex, and of market rent levels in the locality, and considered that there was a sufficient number of similar dwelling houses in the locality let on assured tenancies, and that the rent payable under the tenancy was significantly higher than the rent which the landlord might reasonably be expected to be able to obtain under the tenancy, having regard to the level of rents payable under the tenancies in the locality.

Having regard to the members' own general knowledge of market rent levels in the locality, the Committee considered that a reasonable figure for these Premises, being a one bedroom maisonette in its current condition, to be £330 a calendar month.

The Committee directs that the rent of £330 a calendar month will take effect from the 5<sup>th</sup> April 2005, being the date of the Committee's decision.

Chairman



J.B. Tarling MCMI

(Chairman)

Dated

5<sup>th</sup> April 2005

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