

Rent Assessment Committee: Extended Reasons for decision.**Housing Act 1988****Address of Premises**

42B Lady Margaret Road
London
NW5 2NR

The Committee members were

Mrs A Landau JP LLB
Mrs S F Redmond BSc MRICS
Ms T L Downie MSc

1. Background

On 29 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 rent of £330 per week with effect from 4 November 2006 is dated 6 September 2006.

The tenancy is a periodic tenancy which commenced on 11 June 1990. The current rent is £180 per week.

2. Inspection

The Committee inspected the property on 23 November 2006 and found it to be in fair condition.

3. Evidence

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

A hearing was held at 10 Alfred Place, London WC1 on 23 November 2006 at which oral representations were made on behalf of the landlord and tenant.

The Committee took note of the evidence given on behalf of the landlord and the tenant and the comparables put before them. They considered that the most useful of these were un-numbered flats in Lady Margaret Road and Lady Somerset Road. However, these were asking rents only of £260 and £340 per week respectively. The first floor flat in Lady Somerset Road had an extra en suite shower room, and a fully modernised kitchen area with appliances. The flat in Lady Margaret Road had a new fitted kitchen.

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 Kentish Town and concluded the property could be let for £280 per week on the open market.

However, the property was not in the condition usual for such a letting and therefore the Committee made a deduction to allow for the unmodernised kitchen, basic bathroom and lack of white goods and carpets, and the difference in terms between the new open market letting and an Assured Periodic Tenancy.

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 £225 per month.

This rent will take effect from 23 November 2006 the committee being satisfied that undue hardship would otherwise be caused to the tenant.

Chairman: A Landau

Dated: 23 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 written request to the committee clerk which must be made within 28 days from the date of issue of this document.

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