

Rent Assessment Committee: full reasons for decision.**Housing Act 1988 Section 22****Address of Premises**

Station House
Hinton Admiral
Christchurch
Dorset
BH23 7DW

The Committee members were

Mr Peter Boardman MA LLB
Mr P G Harrison FRICS

1. Background

On the 3 May 2004 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 had been sent by the landlord to the tenant on the 15 April 2004. It was for an initial term of 12 months starting on the 26 May 2004, at a rent of £650 a calendar month. The tenant attached the agreement to the tenant's application to the Committee on the 3 May 2004 but at that stage the tenant had not signed or dated the agreement.

The tenant then signed the agreement, and the agreement was dated the 26 May 2004.

However, by agreement between the parties, the Committee accept jurisdiction to deal with the application, despite the fact that, technically, the date of the application was before the date of the tenancy agreement.

2. Inspection

The Committee had inspected the Premises on the 18 March 2004 in relation to a previous application by the tenant under section 13 of the Act. So far as that previous application was concerned, the Committee decided, after hearing evidence from the tenant, that the tenant did not have a periodic tenancy, and that the Committee did not have jurisdiction to determine a rent under section 14 of the Act accordingly.

However, the parties to this present application have agreed that they are not aware of any changes to the Premises since the Committee's inspection on the 18 March 2004, and the Committee decided that there was no necessity to make a further inspection accordingly.

The Committee found the Premises to be a three-bedroomed house attached to the rest of the station building, with 2 reception rooms, a kitchen, bathroom, wc, and garden, and to be in generally poor condition

3. Evidence

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

Neither party requested a hearing.

4. 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 north-east Christchurch and the New Forest borders, 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 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 base figure for the Committee's calculations for the market rent for the Premises, being a three-bedroomed semi-detached house next to a railway line, was £700 a month, or £161.50 a week.

However, the Committee considered that there should be adjustments from that figure totalling £83 a week to take account of the following matters :

- (a) The fact that the nearest shops were in Highcliffe; the proximity to the road and station platform to which the public have access; the fact that the public have access to park vehicles up the whole road; the pylon in the garden, with power cables overhead; the fact that the water main is fixed to the footbridge; the lack of access to the drains, which appeared to run under the station platform. Adjustment : £20 a week
- (b) The lack of carpets and curtains. Adjustment : £8 a week.
- (c) The lack of kitchen fittings and white goods. Adjustment : £10 a week.
- (d) The lack of central heating. Adjustment : £10 a week.
- (e) The dated bathroom and toilet. Adjustment : £5 a week
- (f) The general state of disrepair, including window frames in appalling condition; rising damp, rotten floorboards, and penetrating damp in some areas; poor external decorative state; ceilings down in places; utility room and bathroom single-skin, although dry-lined; under-stairs toilet old, high-level, and with lead pipes; no gas, except calor gas; general lack of insulation. Adjustment : £30 a week.

The Committee therefore considered that the rent which the landlord might reasonably be expected to obtain under the tenancy was £78.50 a week, which equated to £340.167 a month, which the Committee considered in all the circumstances should be rounded down to £340 a month

The Committee directs that the rent of £340 a month will take effect from the 26 May 2004, being the date of commencement of the tenancy.

Chairman

Signed

P R BOARDMAN

Dated

5 August 2004