


BIR/41UD/F77/2005/0152

**THE RENT ASSESSMENT COMMITTEES
(ENGLAND & WALES) REGULATIONS 1971
CERTIFICATE OF CORRECTION**

I hereby certify that due to a clerical error, the first paragraph of the Reasons for the Decision of a Rent Assessment Committee issued on 30 January 2006, should read:

1. Mr and Mrs Sharpe became the tenants of 54 Coleshill Street, Fazeley, Tamworth, Staffordshire ("the property"), an end-terraced house, on 1st March 1961.

**Mr J De Waal
Chairman**



Date:

16/2/06

REASONS FOR THE DECISION OF A RENT ASSESSMENT COMMITTEE

Rent Act 1977

Address of Property

54 Coleshill Street
Fazeley
Tamworth
Staffordshire
B78 3RA

Members of Committee:-

Mr J.H.L. de Waal
Mr Michael Williams
Mrs Norma Jukes

Landlord

Mr Paul Foster

Tenant

Mr and Mrs B. Sharpe

Date of decision

25th November 2005

1. Mr and Mrs Kirby became tenants of 54 Coleshill Street, Fazeley, Tamworth, Staffordshire ("the property"), an end-terraced house, on 1st March 1961.
2. On 16th May 2003 the Rent Officer registered a rent of £49.00 per week for the property with effect from 21st May 2003.
3. On 1st April 2005 the landlord applied for (re)registration of a fair rent for the property. The landlord asked for a rent of £60.00 per week. On 6th May 2005 the rent officer registered a fair rent of £58.00 per week with effect from that date.

4. By a letter dated 12th July 2005 the tenant objected to the rent determined by the rent officer and the matter was referred to the Rent Assessment Committee. The objection was made more than 28 days after determination by the rent officer. On 5th August 2005 the Rent Assessment Committee decided under paragraphs 5A and 6 of Schedule 10 to the Act to allow the tenant's objection to proceed to a full hearing.
5. We inspected the property on 25th November 2005.
6. The property is an older style end-terraced house constructed in brick with a pitched tile roof and which abuts the pavement. It is structurally in good order externally and internally although we noticed some distortion to the roof structure.
7. We noted the following tenant's improvements to the property: kitchen units, kitchen floor tiles, bathroom – floor and part wall tiles, bathroom – towel rail and heater, night storage heater, internal doors, fitted wardrobes and garden shed.
8. Neither party requested a hearing at which oral representations could be made. We did receive written representations from the landlord (8th November 2005) and the tenant (2nd September 2005).
9. We noted that the landlord had installed UPVC double-glazing to windows at the front of the property and were told that this work had been completed on 5th June 2003. We noted that since that date the landlord had installed double-glazing to windows at the rear of the property also. We noted that the rent officer had taken the double-glazing to the front of the property into account when registering the rent in May 2003 (letter to the landlord 17th June 2005).

account of the tenants' improvements listed above. That led to a hypothetical rent of £62 per week.

15. We then went on to consider, as we were required to under section 70(2) of the Act, whether there was 'scarcity' in the locality. By the locality in this instance we meant the West Midlands and Staffordshire.
16. Based upon our own experience we decided there was a substantially greater number of persons seeking to become tenants of dwelling houses in this locality than the number of dwelling houses and therefore that the hypothetical market rent of £62 should be reduced by 15% , which is equivalent to £9 per week.
17. Accordingly the fair rent for the property was, in our view, £53 per week.
18. We then went on to consider the effect of The Rent Acts (Maximum Fair Rent) Order 1999 ("MFRO"), which has the effect of capping the rent at 5% above the rent at the last registration allowing for RPI.
19. The rent at the last registration was £49 per week. Allowing for the increase in RPI and increasing the figure obtained by 5% the maximum fair rent obtainable was £55. Since that figure was higher than the fair rent assessed at £53 per week the capping provisions of the MFRO did not apply.
20. Accordingly we registered a fair rent of £53 per week in respect of the subject property.

SIGNED.....*Theresa*..... DATE.....*30/1/06*.....

John de Waal, Chairman