

**Rent Assessment Committee: Summary reasons for decision.**  
**Housing Act 1988 – Section 22**

**Address of Premises**

15 Arundel Lodge  
Salisbury Avenue  
Finchley  
London  
N3 3AL

**The Committee members were**

Mrs T J Gordon  
Mr R A Potter FRICS  
Dr A M Fox BSc Phd MCIArb

**1. Background**

On 6 September 2004 the tenant of the above property applied to the Committee for a determination under section 22 of the Housing Act 1988.

The tenancy is a periodic tenancy that commenced on 31 March 2004.

The current rent is £270 per week.

**2. Inspection**

The Committee inspected the property on 21 January 2005 and found it to be in good condition.

The following services are provided for the tenant.  
Lighting and cleaning of common parts.

**3. Evidence**

The committee received written representations from the tenant and these were copied to the other party. No written representations were received from the landlord.

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

**4. The law**

In accordance with the terms of section 22(3) Housing Act 1988 the Committee may make a determination of the rent at which it considers that the subject property might reasonably be expected to be let under the assured shorthold tenancy. However the Committee may not make such a determination unless it considers -

- (a) that there is a sufficient number of similar dwellings-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.

Section 22(5) provides that for the purposes of section 22 “rent” does not include a “service charge” within the meaning of section 18 Landlord and Tenant Act 1985 ( i.e. where the service charge payable by the tenant is variable from time to time according to the relevant costs). However it does include a “fixed” service charge.

## **5. The decision**

The Committee concluded that whilst the requirement in section 22(3)(a) is satisfied the requirement in section 22(3)(b) is not satisfied and therefore the Committee was not able to make a determination.

Chairman      T J Gordon

Dated            21 January 2005

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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 28 days from the date of issue of this document.

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<sup>1</sup> Since 28 February 1997 an assured shorthold tenancy can be fixed term or periodic from the outset. If a fixed term tenancy of less than six months is followed by a statutory periodic tenancy a section 22 application can still be made provided six months have not passed since the original fixed term commenced. Thus all options are catered for by this draft.

<sup>2</sup> This will be relevant in the case of houses in multiple occupation where liability for the council tax falls on the landlord but is (proportionately) passed on to the tenant.