

**Rent Assessment Committee: Summary reasons for decision.
Housing Act 1988****Address of Premises**

55 Charlotte Close
Mount Hawke
TRURO
Cornwall TR4 8TS

The Committee members were

Mr R Batho MA BSc LLB FRICS (Chairman)
Mr R P Long LLB
Mr A J Lumby BSc FRICS

1. Background

On 13th December 2006 the tenant of the above property referred to the Committee a notice increase of rent served by the landlord under section 13 of the Housing Act 1988. The landlord's notice, which proposed a rent of £520.00 per calendar month with effect from 1st January 2007 is dated 30th November 2006, and is considered valid by the Committee despite the erroneous statement that the increase proposed is the first after 11th February 2003: the committee does not consider that the tenant's position is prejudiced by this error.

The tenancy commenced on 1st September 1996 for a term of twelve months but although the tenancy agreement referred to an assured shorthold tenancy the notice then required under section 20 of the Housing Act 1988 was not served. Accordingly the tenant remains in occupation as a statutory periodic tenant under an assured tenancy for which the rent period commences on the first day of each calendar month. The passing rent is £475.00 per calendar month.

2. Inspection

The Committee inspected the property on Thursday 15th February 2007 and found it to be in fair condition. It comprises a mid-terraced bungalow of basic timber frame construction and there are clear signs of deterioration in the external rendered finishing, possibly pointing to the need for significant repair in the not too distant future. There has been some neglect of external maintenance and the internal fittings, which all appear to be original, appear to be approaching the end of their useful lives. The original under floor electric heating system is understood to have failed, and there is limited electric off-peak heating in its place. The tenant has made no improvements to the property.

3. Evidence

Prior to the inspection the Committee had received written representations from the landlords and from the tenant's solicitors and had copied them to the other parties. Neither party requested a hearing at which oral representations could be made.

4. The Decision

The written representations received from the landlord and from the tenant's solicitor set out some of the history of this tenancy and the progressively deteriorating relationship between the parties. Having considered those representations the Committee is satisfied that the tenant occupies the property under the terms of the original tenancy agreement of 23rd August 1996, subject to the landlords' repairing liability as set down in section 11 of the Landlord and Tenant Act 1985.

The only evidence of rent put forward by the parties is that relating to the letting of the landlords' neighbouring property at 51 Charlotte Close Mount Hawke at £525.00 per calendar month. The Committee had regard to that evidence and to their own knowledge of market rent levels in the area of mid and west Cornwall.

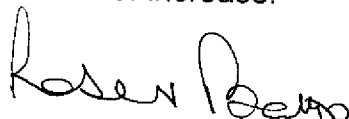
With regard to 51 Charlotte Close, the impression given on external inspection is that it is in better condition than the subject property and, given the provisions of the Landlord and Tenant Act 1985 referred to above, that must be seen as the landlords' responsibility. The committee also noted that it is of similar overall size to the subject property, and took the view that the layout with one reasonably sized bedroomed would be more attractive to many tenants than the arrangement with two small bedrooms, one of which effectively serves as a rear hallway giving access to the garden.

These considerations apart, the committee was aware that there is other property in the area which provides similar accommodation to the subject property but which is both more modern and available at lower rents than that being paid for 51 Charlotte Close. This points to the conclusion that the rent for that property is at the higher end of a possible range of values, and that it would be unsafe to rely on that one comparable alone.

Taking all of these considerations into account, the Committee concluded that the rent at which the property might reasonably be expected to let on the open market would be £485.00 per calendar month.

This rent will take effect from 1st January 2007 being the date specified by the landlord in the notice of increase.

Signed



Dated 15th February 2007

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 21 days from the date of issue of this document.