

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

3 Barcote Walk
Eggbuckland
Plymouth
Devon PL6 5QE

The Committee members were

Miss K Firth-Butterfield (Chair)
Mr R Batho MA BSc LLB FRICS
Miss C Rai

1. Background

On 27 August 2003 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 £450.00 per month with effect from 1 September 2003 is dated 19 July 2003.

The tenancy commenced in September 1981. The tenant remains in occupation as a statutory periodic tenant. The current rent is £380 per calendar month.

2. Inspection

The Committee inspected the property on 14 October 2003 and found it to be in fair condition.

There were no qualifying tenant's improvements.

3. Evidence

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

A hearing was held at Plymouth on 14 October 2003 at 11.30 am at which oral representations were made by the landlord and tenant.

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 members' own general knowledge of market rent levels in the area of Plymouth and concluded that an appropriate market rent for the property would be £465 per month.

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 £465 per month.

This rent will take effect from 1 September 2003 being the date specified by the landlord in the notice of increase.

(signed)

Chairman

K FIRTH-BUTTERFIELD

Dated

14 October 2003

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.

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

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Eggbuckland
Plymouth
Devon PL6 5QE

The Committee members were

Miss K Firth Butterfield (Chairman)
Mr R Batho MA BSc LLB FRICS
Miss C Rai

1. On 14 October 2003 in the presence of the tenant and the landlord, the Committee inspected the premises following a referral by the tenant of a notice dated 19 July 2003 proposing a new rent of £450 per calendar month for the said premises under an assured periodic tenancy effective from 1 September 2003.
- 2(a) On inspection the property was found to be a mid-terrace house on an estate of similar properties within the City of Plymouth. A few shops were within walking distance.
- 2(b) The ground floor accommodation comprises a small entrance area of which is a sitting/dining area and from which run the stairs. The sitting/dining area opens onto a small kitchen and has a back door to the rear garden. The first floor has a bathroom, separate toilet and three bedrooms.
- 2 (c) Externally the property has gardens to the front and rear. There is an entrance from the road to the rear of the property adjacent to which is the garage and some hard standing.
- 3(a) The tenant pointed out
 - (i) his electrical work in the garage – a power point now unusable

- (ii) his wall and floor units added in the kitchen
 - (iii) the shower he installed.
- 3(b) The property is in a poor state of decoration. The plaster in the front bedroom which had been noted as defective on the last inspection remained so. From correspondence supplied by the Landlord and Tenant there has been much discussion about the undertaking of repairs.
- 4(a) On the same day the Committee held a hearing at St Catherine's House Notte Street Plymouth which was attended by the Landlord and Tenant. Both made oral representations in addition to the written representations they had sent to the Committee. Through the Chairman, the Committee made it clear that documents it had received which bore no relation to its task of setting the market rent would be ignored and requested that submissions be invited to that task for the Committee had to act within its jurisdiction.
- 4(b) The landlady indicated that she had not been allowed into the property since the last inspection and was unable to do works of repair as a result.
- 4(c) The tenant indicated that he would welcome an independent assessment of the disrepair so that it could be put right.
- 4(d) Turning to the question the Committee had to determine Mr Batho asked the landlady why she had requested £450 pcm. She responded that she understood that to be the 'going' rent for that area although 'done up' it would rent for far more. She said the property was in a good area.
- 4(e) By way of response the tenant said that the type of property does not warrant this rent. He does not think the area desirable because properties 'hang around' on the market before selling. He said the next door house was empty for 12 months. There is only one shop, a school and buses which he cannot use. There is a bus to town every ½ hour and to the hospital every 15 minutes he said.

- 4(f) Mr Batho put it to the parties that, using the general knowledge and experience of the Committee similar property was renting for £550 in the same area.

The tenant did not think such properties would be like his; timber-framed.

The landlady felt that timber-framing did not make a difference. She told us that the school was very good and people moved to the area to send their children there.

- 4(g) The tenant then pointed out that he was unable to use his hard-standing because it was so high cars 'grounded' on it when using it. He said that the garage is small and he uses it as a shed. The shed itself is cracking and dampness is entering.

- 4(h) Finally the landlord and tenant agreed that an independent surveyor might be approved by them to assess the repairs and oversee their being executed. The tenant does not want repairs done which will increase his rent.

- 4(i) Neither party brought comparable rents for the Committee to consider.

5. The Law

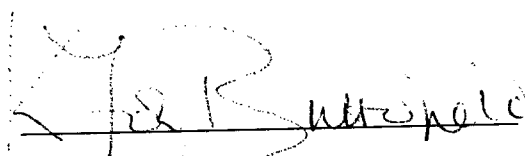
In accordance with the terms of s14 Housing Act 1988 the Committee proceeded to determine the rent at which it considered that the subject property might reasonably be expected to be let on the open market by a willing landlord under an assured tenancy.

In doing so the Committee, as required by s14(1), ignored the effect on the rental value of the property of any relevant tenant's improvements as defined in s14(2) of the Act.

6. **Considerations**

- 6(a) The Committee did not feel that there were any qualifying tenant's improvements. The improvements did not add value to the property which would need to have a modern kitchen and bathroom fitted before it could qualify as being in 'good modern letting condition'. The tenant's wiring to the garage was, by his own evidence, defunct.
- 6(b) Additionally to bring it up to a 'good modern letting condition' the property needs to have insulation, central heating, the hard-standing levelling and carpets and curtains. Kitchen appliances and white goods would be desirable but these have not been taken into account.
- 6(c) Because our general knowledge of market rent levels in the area of the City of Plymouth are of properties in 'a good modern letting condition' we have made the following deductions from the rent such a property would command.
- | | | |
|----|----------------------------------|-----|
| a) | lack of modern kitchen | £20 |
| b) | lack of modern bathroom | £20 |
| c) | need for insulation/hardstanding | £10 |
| d) | need for modern central heating | £20 |
| e) | carpets and curtains | £15 |
- 6(d) Based on their general knowledge and experience of the area, and in the absence of contrary evidence from the parties, the Committee concluded that the property would command a rent of £550.00 per calendar month if it were in 'good modern letting condition'. The subject property is not in such condition and, making the deductions set out above, the Committee determined that the market rent for the subject property as it stands is £465.00 per calendar month. The effective date of registration is 1 September 2003 being the date specified in the notice of increase by the landlord.

Chairman


K FIRTH-BUTTERFIELD

Dated 25/11/03