

Rent Assessment Committee: Summary reasons for decision.

Housing Act 1988

Address of Premises

4 Claremont Grove
Woodford Green
Essex
IG7 7HS

The Committee members were

Mrs F R Burton LLB LLM MA
Mr P Tobin FRICS MCI Arb
Dr A M Fox BSc PhD MCI Arb

1. Background

On 30 September 2004 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 £159 per week with effect from 8 October 2004 is dated 9 September 2004.

The tenancy is a statutory periodic tenancy by succession which arose on the death of the former tenant. The rent payable is £147 per week.

2. Inspection

The Committee inspected the property on 12 November 2004 and found it to be in fair condition.

The landlord had installed replacement windows, central heating and had substantially rewired the property. It was in clear decorative condition. The property fell short of modern standards in other respects. It lacked a fitted kitchen, sanitary fixtures and fittings were old and defective, and bounding fences were in need of renewal.

The following qualifying tenant's improvements had been made to the property:
Kitchen worktops.

3. Evidence

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

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

A hearing was held on 10 Alfred Place on 12 November 2004 at which oral representations were made on behalf of tenant. The landlord was not present or represented.

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 evidence supplied by the landlord's agent, the oral evidence of the tenant and the members' own general knowledge of market rent levels in the area of Woodford Green and concluded that an appropriate market rent for the property would be £147 per week.

The Committee distinguished the properties cited by the landlord's agent as comparable, on grounds of location and levels of amenity. From the limited information given, we inferred that there was no evidence of rental growth in recent years and that in order to command the rent sought by the landlord a property would have to have a modern fitted kitchen, attractive bathroom and "white goods" etc

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 £147 per week.

This rent will take effect from 9 September 2004 being the date specified by the landlord in the notice of increase.

Chairman: F R Burton

Dated: 12 November 2004

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 written request to the committee clerk which must be made within 28 days from the date of issue of this document.

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