

Caseys Solicitors

RAP & LVT

Our reference SC/KL/Rent Assessment Panel

Your reference

20 February 2004

Date

21 Market Street
HIGHBRIDGE

Somerset
TA9 3BT

Phone 01278 794495

Fax 01278 765876

DX 47562 BURNHAM ON SEA

E-Mail caseyssolicitors@btconnect.com

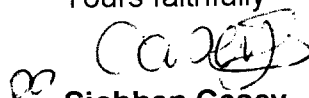
Residential Property Tribunal Service
Southern Rent Assessment Panel
1st Floor
1 Market Avenue
CHICHESTER
West Sussex
PO19 1YG

Dear Sirs

Re: File Ref Number: CHI/00HD/MNR/20004/005

Following the email received from Susan Cameron on 19th February 2004 please find enclosed signed Rent Assessment Committee: Summary Reasons for Decision.

Yours faithfully


Siobhan Casey

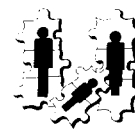
A list of partners can be obtained from our Highbridge office

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

53 Windermere Road
Bristol
Avon
BS34 5PN

The Committee members were

Miss Siobhan LLB (Hons)
Mrs Margaret Hodge BSc (Hons) ARICS
Mr Robert Long LLB

1. Background

On 8.1.2004 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 £4200.00 per annum with effect from 28.5.04, is dated 23.1.2004.

The tenancy commenced on 1993 following the death of the tenant's parents. The tenant remains in occupation as a statutory periodic tenant. The current rent is £4160.00 per annum.

The tenancy appears from the landlords notice of increase in rent to be yearly, no evidence was provided by either party to assist any further on this point. The committees in consequence have dealt with it as a yearly tenancy.

2. Inspection

The Committee inspected the property on 18.2.04 and found it to be in fair condition. The property is a mid terrace 1930s three bedroom property. On the ground floor there is one living room which, is off a small vestibule and this leads through to the kitchen, rear garden and rear access. On the first floor a bathroom comprising of a white three-piece suite, two double bedrooms and box room. Well kept gardens front and rear, vehicle access to rear with a garage in a poor state. It was noted that the back was rebuilt in the

early 1990s. The front room window only partially opened by reason of work taken place adjacent to front door.

There were no improvements which we considered material to our decision.

3. Evidence

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

The committee had written representations from the landlord if a comparable property 46 Windermere Road which was virtually opposite the subject property. The committee was told that this property was let for £6600 per annum, it was fully modernised, had UPVC double-glazing, was semi-detached and central heating. Within our experience properties of this sort are ordinarily provided with floor coverings before being let, together with curtains.

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 parties and the members' own general knowledge of market rent levels in the area of The Greater Bristol Area and concluded that an appropriate market rent for the property would be £4200 per annum.

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 £4200.00 per annum.

This rent will take effect from 28.2.04 being the date specified by the landlord in the notice of increase.

The committee accepted the landlords comparable of £6600 but made a number of deductions as follows, to reflect the differences between 46 Windermere Road and the subject property. The adjustments represent its estimate of the allowances in rental terms that prospective tenant might expect to reflect the absences of the facilities mentioned.

The calculation was, deductions for lack of:

Central Heating	£600.00 pa
UPVC Windows	£250.00 pa
Modernised bathroom	£250.00 pa
Modernised kitchen	£650.00 pa
Floor covering and curtains	£250.00 pa
Benefit of semi-detached location of 46 Windermere Rd	
Subject property mid-terrace	£400.00pa

After these deductions are made from the “comparable” rent of £6600.00 pa the decision is that the annual rent for the subject property is £4200.00 pa.

It should be noted that the tenancy contains a variable service charge within the meaning of section 18 of the Landlord and Tenant Act 1985. It follows that in accordance with Housing Act 1988, section 14(4) the rent determined by the Committee for the purposes of this application is exclusive of that service charge which will therefore be recoverable in addition to the rent determined.

Chairman 

Dated 20 February 04

This document contains the reasons for the Rent Assessment Committee's decision.