

Eastern Rent Assessment Panel

Great Eastern House Tenison Road Cambridge CB1 2TR
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**Residential
Property**
TRIBUNAL SERVICE

REASONS FOR DECISION OF RENT ASSESSMENT COMMITTEE

Reasons requested by Landlord/Tenant under section 10 of the Tribunals and Enquiries Act 1992 and Regulation 10a of the Rent Assessment Committees (England and Wales) Regulations 1971.

SUMMARY

PROPERTY: 11 Greenstead Road, Colchester, Essex CO1 2SZ
Ref. No. CAM/22UG/MNR/2003/0108

Date of Decision: 5 November 2003

Landlord: Mr Nicholas Harrison (agents Boydens, Colchester)
Tenant: Mr David Marsh

Rent at date of Landlord's Notice:	£90.00 per week inc £3.79 water charges
Rent proposed by Landlord 27.8.03:	£120.00 per week inc £4.52 water charges w.e.f. 8.10.2003
Rent determined by Committee:	£89.00 per week excluding water charges
Date new rent takes effect:	8 October 2003

MEMBERS OF THE COMMITTEE

Mr G M Jones - Chairman
Mr E A Pennington FRICS ACI Arb
Mr R G Martin

1. THE PREMISES

- 1.1 The type of property: Two-bedroom terraced house with garden
Location: Busy street near town centre
Inspection: Brick and slate construction.
The Committee noted the rotten state of most of the windows and the poor condition of gutters and downpipes. The layout upstairs is awkward, with the bathroom being off the second bedroom. The rear extension, containing the kitchen and bathroom, is built in 4 ½ inch brick, which makes those rooms difficult to heat and encourages condensation. The kitchen is poorly equipped by modern standards. Space heating is by night storage heaters, which is far from ideal, and by the tenant's appliances. The tenant has made modest improvements by way of fitted wardrobes.

2. THE TENANCY

- 2.1 Tenancy commenced: 1991 – succession to Rent Act tenancy
Period of tenancy: Weekly
Noteworthy terms: Let completely unfurnished
Landlord & Tenant Act 1985 s.11 applies

3. **THE APPEAL**

- 3.1 Date of landlord's section 13 notice: 27.8.03
This was the first increase since: 8.10.02
Date of tenants section 14 application: 7.10.03
Hearing: Yes – no attendance by landlord – adjournment refused.

4. **THE PARTIES' RESPECTIVE CASES**

- 4.1 See written representations on file. Mrs Collins attended the hearing on behalf of the tenant and supplied useful information about the locality.

5. **THE LAW**

- 5.1 In general terms, the task of the Committee under the provisions of section 14 of the Housing Act 1988 is to determine the rent at which the dwelling-house concerned might reasonably be expected to be let in the open market by a willing landlord. It follows that the personal circumstances of the parties are irrelevant and the Committee cannot take them into account.
- 5.2 The Committee must disregard any effect on the rent attributable to the granting of a tenancy to a sitting tenant, any increase in value attributable to "relevant" tenants' improvements and any reduction in value attributable to a failure by the tenant to comply with any terms of the tenancy. Full Reasons (if requested) will set out the relevant legal principles in detail.

6. **THE DECISION**

- 6.1 Summary of findings and conclusions:-

Open market rent for comparable property if let on assured shorthold terms fully modernised and in good condition throughout, with central heating, carpets, curtains and white goods	£500 p.c.m.
Global deduction for lack of central heating, carpets, curtains and white goods; poor kitchen and bathroom; layout; disrepair	£115 p.c.m.
Adjusted open market rent (excluding water charges)	£385 p.c.m.
Weekly equivalent and reasonable open market rent (rounding slightly)	£89.00 per week
Rates/water rates (not included in registered rent)	£4.52 per week
Undue hardship to tenant:	No
It appears that the landlord is, in addition, entitled to recover the water charges.	

- 6.2 Tenant's improvements (to be disregarded) have been stripped out in the above calculations.

Geraint M Jones MA LLM (Cantab)
Chairman



Note: This is a summary of the Committee's reasons for its decision. Should you require more detailed reasons, they can be supplied but only if a written request is received by the Panel Office within 21 days from receipt of this document. The papers will then be returned to the Chair for such detailed reasons to be prepared.