

Eastern Rent Assessment Panel

File Ref No: Cam/09UE/MNR/2004/0003

Rent Assessment Committee:

Summary Reasons for Decision

Housing Act 1988 ("the Act")

Address of Premises:

5 Roman Court
Roman Gardens
Houghton Regis
Dunstable, LU5 4UB

The Committee Members were:

Mr John Hewitt	Chairman
Mr G Rodney C Petty	FRICS
Mrs Najiba Bhatti	

The Tenant:

Mr Geoffrey Thompson

The Landlord:

North British Housing Limited

1. Background

- 1.1 On 15 March 2004 the tenant of the Premises referred to the Committee a notice of increase in rent served by the landlord pursuant to s13(2) of the Act.
- 1.2 The landlord's notice dated 25 February 2004 proposed a rent of £80.94 per week, inclusive of services, payable from 5 April 2004.
- 1.3 The tenancy commenced on 27 May 2002 as a weekly periodic tenancy.
- 1.4 The tenant remains in occupation as a periodic tenant. The current rent is £78.15 per week, inclusive of services.

2. Inspection

- 2.1 The tenant did not wish the Committee to make an internal inspection of the Premises and so the Committee made an external inspection only on 10 May 2004 and noted a pleasing modern purpose built development of flats and some communal facilities for disabled persons residing in the flats on the ground floor, set in small communal gardens with parking facilities.

2.2 The following improvements had been made to the Premises by the tenant:
None, relevant

2.3 The following services are provided for the tenant:
Communal cleaning, landscaping, and lighting in the common parts

3. Evidence

- 3.1 The Committee received written representations from the landlord and from the tenant. These were copied to each party.
- 3.2 A hearing was held at The Council Chambers, Houghton Regis Town Hall, Peel Street, Houghton Regis on 10 May 2004.
- 3.3 Mr Thompson attended. The landlord was not represented. Oral evidence was given by Mr Thompson and he made further representations.
- 3.4 Mr Thompson told the Committee that in his view a comparable council flat in the locality would command a rent of £66.74 per week. Mr Thompson said this council rents were market rents and thus comparable. Mr Thompson also told the committee that the use of the ground floor flats and premises for the care of disabled persons, some quite severely disabled generated a considerable degree of noise and vibration disturbance into his flat which detracted from the value of it. Mr Thompson gave a number of examples of such disturbance.
- 3.5 Mr Thompson told the committee that the proposed charges for services were not unreasonable provided that the services were actually provided to an appropriate level. Mr Thompson complained that in some instances in the past the level of services had been perfunctory.
- 3.6 Mr Committee accepted Mr Thompson's evidence in respect of the noise disturbance suffered by him, but did not share his view that council rents provided good comparable evidence of market rents.

4. The Law

- 4.1 In accordance with the terms of s14 (1) of the Act, the Committee is required to determine the rent at which it considered the Premises might reasonably be expected to be let in the open market by a willing landlord to a willing tenant under an assured tenancy, and the assumptions set out in subsections (a) to (d) of the section.
- 4.2 In doing so the Committee must, in accordance with s14 (2) of the Act, disregard the effect on rent attributable to the granting of a tenancy to a sitting tenant, any increase in the value attributable to any relevant tenant's improvements and any reduction in the value attributable to a failure by a tenant to comply with any terms of the tenancy.

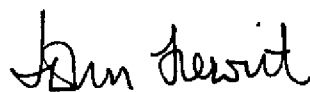
5. The Rent

- 5.1 In coming to its decision the Committee had regard to the evidence supplied by the parties, and the members own general knowledge of market rents in the area of Houghton Regis and the surrounding district.
- 5.2 In the first instance The Committee determined what rent the landlord could reasonably expect to achieve in the open market if the Premises were let today in the condition that is considered usual for such an open market letting.
- 5.3 The Committee considered that such a rent would be £121.15 per week. The Committee was not able to inspect the interior of the Premises and was thus not able to ascertain whether they Premises are in the condition considered usual for such a modern market letting. The Committee assumed that they were in the absence of any specific, or indeed, general complaint by Mr Thompson. It is therefore necessary to adjust the hypothetical rent to allow for the particular characteristics of the Premises and susceptibility to noise nuisance as found by the Committee and the condition of the actual premises as observed by the Committee, and having regard to the provisions of s14(2) of the Act. The Committee considered that this required a deduction of £30.28 per week.
- 5.4 The Committee found that the proposed charge of £5.27 per week for services was reasonable and within the range to be expected within the open market
- 5.5 Summary
- | | | |
|---------------------------|----------------|---------------|
| Open market modern rent | £121.15 | |
| Deduction for disturbance | <u>£ 30.28</u> | £90.86 |
| Add for services | | £ 5.27 |
| Market rent | | £96.13 |

6. The Decision

- 6.1 The Committee decides that the market rent for the Premises shall be £96.13 per week payable with effect from 5 April 2004.

Chairman



(John Hewitt)

Dated

28 May 2004

Note:

This document contains a summary of the reasons for the 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 28 days on which this document is sent to the parties.