

Rent Assessment Committee: Summary reasons for decision. Housing Act 1988

Address of Premises

130 Weston Lane
Tyseley
Birmingham
B11 3RX

The Committee members were

Mr J H L de Waal
Mr S Berg
Mrs C L Smith

1. Background

On 28/9/04 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 £ 86.50 per week with effect from 1/11/04 is dated 21/9/04.

~~The tenancy commenced on for a term of months/years. The tenant remains in occupation as a statutory periodic tenant. The current rent is £ 31.00 per week.~~

The tenancy is a periodic tenancy which commenced on 21/1/95

~~The tenancy is a periodic tenancy which commenced on The current rent is £ per~~

~~The tenancy is a statutory periodic tenancy by succession which arose on the death of the former tenant. The rent payable is £ 31.00 per week.~~

2. Inspection

The Committee inspected the property on 15/12/04 and found it to be in good/fair/poor* condition.*

[Brief description of condition]

Property requires modernisation and upgrading. Windows in poor condition. No central heating. Disturb to external brickwork. Serious concern over stability of chimney.

The following qualifying tenant's improvements had been made to the property.*

None, all done prior to 1995.

~~The Committee was unable to gain access at the appointed time in order to inspect the property internally and therefore made an external inspection only.*~~

The following services are provided for the tenant.

3. Evidence

The committee received written representations from the landlord and/tenant and these were copied to the parties/ ~~No written representations were received from the landlord/tenant/either party.*~~

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

A hearing was held at 11.45 am on 15/12/04 in ~~the~~ Panel office at which oral representations were made by/on behalf of* the landlord and/tenant.* ~~The landlord/tenant* was not present or represented.*~~ by the

~~A hearing was arranged for on in but neither party attended.*~~

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 ~~West~~ ^{Miller} and concluded that an appropriate market rent for the property would be £.65.00 per week/fortnight/month/quarter.*

Note: the Committee may want to indicate here any particularly compelling market rental evidence on which it relied.

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 £.65.00 per week inclusive of in respect of services.*

This rent will take effect from 1/1/04 being the date specified by the landlord in the notice of increase.*

~~This rent will take effect from the committee being satisfied that undue hardship would otherwise be caused to the tenant.*~~

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 Tammy

Dated 15/12/04.

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.