

SOUTHERN RENT ASSESSMENT PANEL

Certificate pursuant to regulation 10(2) of the Rent Assessment Committee (England & Wales) Regulations 1971 (SI 1971/1065)

Re: 8 Regent Court Saltash

Case No:

CHI/15UR/MNR/2003/0157

I certify pursuant to the above-mentioned regulation that there is an error in the Notice of the Rent Assessment Committee's decision in this matter dated 29th October 2003

The figure of £300 per calendar month shown in paragraph 1 thereof as the Fair Rent is incorrectly stated and should read £350 per calendar month.

Dated 1st November 2003


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Chairman

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

8 Regal Court
Saltash
Cornwall PL12 6JY

The Committee members were

Mr D G Willis (Chairman)
Miss C Rai
Mr E R Distin FRICS

1. Background

On 18 September 2003 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 £450.00 per month with effect from 4 October 2003 is dated 6 March 2003.

The tenancy is a periodic tenancy which commenced on 4 October 1989. The current rent is £400.00 per month.

2. Inspection

The Committee inspected the property on 25 October 2003.

It is part of a block which contained flats and maisonettes situated just off the main street of Saltash on the first and second floors above commercial properties including a fish and chip shop and restaurant directly under this property.

The exterior was in need of decoration. Also the storage holders had been damaged apparently when work was carried out to No 9 and were unusable and needed to be replaced.

The access roadway was dipped and uneven and we were informed had no drainage consequently after rain, water collected making access to the property difficult. This access needed to be properly drained and resurfaced.

The stairs giving access to this flat and Flat 9 were steep and the treads narrow.

On the first floor is the lounge and kitchen and on the second floor is the bathroom/wc and the two bedrooms.

The interior of the accommodation was in good condition as the Tenant had redecorated the premises, installed 4 night storage heaters, provided a shower, replaced the immersion heater, provided additional kitchen units other than the sink and worktop under the window, and installed a strip light. Various electrical works had also been completed by the Tenant as a result of the installation of the shower. The bath was sub-standard and in need of re-surfacing.

The Landlord had replaced four windows with double glazed units. All wooden windows on the first floor were in need of replacement.

3. Evidence

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

A hearing was held at St Catherines House, 5 Notte Street, Plymouth on 28 October at which oral representations were made by the tenant. The landlord was not present or represented.

The tenant indicated that most of what he wished to say was in the case papers. However he wished to emphasis that No 9 for which the rent is £450 was completely

refurbished 15 months or so ago. That property was fully double-glazed, had a fully fitted kitchen, new bathroom suite, new bedroom units, two new balconies, fitted carpets and was decorated throughout.

The tenant stated that the rent for No 7 was £375. This was a mirror image of his property and had a fully fitted kitchen, partial double glazing, fitted carpets and was decorated throughout.

When the rent was increased from £340 to £400 two years ago the Tenant blamed this on his naivety, and he accepted it without question. However when he received notice of this increase he decided to investigate the rent of the adjoining properties. Hence the above comparables.

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 Saltash, Cornwall and concluded that an appropriate market rent for the property would be £450 per month.

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 £450 per month.

However the Tenant is obliged under the terms of the Tenancy Agreement dated 4 October 1989 to look after the interior of the premises. The Committee noted there were 5 rooms and a hall and considered an allowance of £25 per month be made in respect of these obligations.

The Tenant has carried out various improvements to the premises as previously detailed and the Committee considered an allowance of £33.33 per month should be made in respect of these improvements.

Although the Landlord had installed 4 double glazed windows, other original windows remained and needed replacing. The outside storage units serving this and adjoining premises had been damaged and needed replacing. No carpets had been provided by the Landlord. The Committee also considered the stairs giving access to these premises and also No 9 are dangerous and not built in accordance with modern safety requirements. Further the property lacked central heating which is considered to be a basic requirement in a present day letting. The access drive also needed attention so as to prevent water accumulation.


The Committee considered the cost of rectifying these defects equated to £41.64 per month and an allowance of this sum should be made against the rent.

The total of the allowances is £99.97 and when deducted from the market rent of £450 per month leaves a net rent of £350.03 per month which the Committee rounds down to £350 per month. This rent will take effect from 4 October 2003 being the date specified by the Landlord in the notice of increase.

The Landlord's agents in a letter dated 7 October 2003 to the Residential Property Tribunal service stated the Landlord is in process of "undertaking external repairs and improvements to include exterior decoration; repairs and levelling to driveway/parking areas; and the repair/replacement of exterior lighting". On the date of the Committee's inspection there was no visible evidence of such works being carried out.

That letter also states that the Tenant "benefits from Security of Tenure....." The Committee has not given consideration to this statement when considering the matter.

This rent will take effect from 4 October 2003 being the date specified by the landlord in the notice of increase.

Chairman 
D G WILLIS

Dated 19th November 2003

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.

Rent Assessment Committee: Summary reasons for decision.

Housing Act 1988

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