

**RESIDENTIAL PROPERTY TRIBUNAL SERVICE
SOUTHERN RENT ASSESSMENT PANEL**

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

**Re: 30 New Port Court, Cowdrey Place, Off Old Dover Road, Canterbury , CT1
3PB**

Case No: CHI/29UC/F77/2004/0164

I certify pursuant to the above-mentioned regulation that there is a clerical error in the
Notice of the Rent Assessment Committee's decision in this matter dated 11th October
2004.

On page 4 of the reasons under "6. The decision" paragraph 1 the amount should read
£8.51 per week and not £18.51 per week.



.....
Chairman

Date: 22nd November 2004

**Rent Assessment Committee: Summary reasons for decision.
Rent Act 1977****Address of Premises**

30 New Port Court
Cowdrey Place
Off Old Dover Road
Canterbury

The Committee members were

Mr I W Collins FRICS IRRV
(Chairman)
Ms L Farrier

1. Background

On the 12th May 2004 the landlord applied to the rent officer for registration of a fair rent of £55.98 per week for the above property.

The rent payable at the time of the application was £55.37 per week.

The rent was previously registered on the 31st January 2002 with effect from the 2nd March 2002 at £60.94 per week including £16.44 per week for services following a determination by the rent officer.

On the 14th July 2004 the rent officer registered a fair rent of £59.01 per week including £8.51 per week in respect of services/(variable) with effect from that date.

By a letter dated the 12th August 2004 the landlord objected to the rent determined by the Rent Officer and the matter was referred to the Rent Assessment Committee.

2. Inspection

The Committee inspected the property on the 11th October 2004 and found it to be in good condition as described more particularly in the Rent Officer's survey sheet which had been copied to the parties.

It was noted that no tenants improvements had been made to the property. The tenant is responsible for carpets, curtains but not white goods.

The registered rent includes a sum for the services as listed on the rent register. It was confirmed that there is a sustained and substantial waiting list of applicants for this type of unit within the area.

3. Evidence

The Committee received written representations from the landlord and these were copied to the parties. No written representations were received from the tenant.

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

4. The law

When determining a fair rent the Committee, in accordance with the Rent Act 1977, section 70, had regard to all the circumstances including the age, location and state of repair of the property. It also disregarded the effect of (a) any relevant tenant's improvements and (b) the effect of any disrepair or other defect attributable to the tenant or any predecessor in title under the regulated tenancy, on the rental value of the property.

In *Spath Holme Ltd v Chairman of the Greater Manchester etc. Committee* (1995) 28 HLR 107 and *Curtis v London Rent Assessment Committee* [1999] QB 92 the Court of Appeal emphasised

- (a) that ordinarily a fair rent is the market rent for the property discounted for 'scarcity' (i.e. that element, if any, of the market rent, that is attributable to there being a significant shortage of similar properties in the wider locality available for letting on similar terms - other than as to rent - to that of the regulated tenancy) and

- (b) that for the purposes of determining the market rent, assured tenancy (market) rents are usually appropriate comparables. (These rents may have to be adjusted where necessary to reflect any relevant differences between those comparables and the subject property).

5. Valuation

Thus in the first instance the Committee determined what rent the landlord could reasonably be expected to obtain for the property in the open market if it were let today in the condition that is considered usual for such an open market letting. It did this by having regard to the evidence supplied by the landlord and the Committee's own general knowledge of market rent levels in the area of Canterbury and mid Kent. Having done so it concluded that such a likely market rent including the variable service charge would be £70 per week.

To allow for the tenant's obligations (listed above) it was necessary to make a deduction of £2 per week.

The Committee did consider that there is a substantial scarcity element for this type of property and accordingly a further deduction of £7 per week was made for scarcity .

This leaves a net market rent for the subject property of £61 per week to which the sum of £8.51 in respect of services should be added.

6. Decision

The fair rent initially determined by the Committee, for the purposes of section 70, was accordingly £61 per week inclusive of £8.51 per week in respect of services.

Accordingly the sum of £61 per week inclusive of services of £18.51 per week will be registered as the fair rent with effect from the 11th October 2004 *being the date of the Committee's decision.*

The registered rent is to be confirmed as variable in accordance with the terms of the tenancy (Rent Act 1977, s.71(4)).



Chairman _____

Dated 11th October 2004

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 at the Panel Office which must be made within 21 days from the date of issue of this document.