

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

6 Farm Court
Farm Road
Frimley
Camberley GU16 8TJ

The Committee members were

Mr D M Nesbit JP FRICS FCI Arb
Mrs J Playfair
Mr I Mohabir

1. Background

On 24th January 2003, the landlord applied to the rent officer for registration of a fair rent of £550.00. per month for the above property.

The rent payable at the time of the application was £392.50. per calendar month.

The rent was previously registered on 24th April 2001 with effect from the same date at £392.50. per calendar month following a determination by a rent assessment committee.

On 24th April 2003, the rent officer registered a fair rent of £426.50. per calendar month with effect from that date.

By a letter dated 13th May 2003, 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 22nd July 2003, and found it to be in fair condition, as described more particularly in the Rent Officer's survey sheet which had been copied to the parties.

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

Tiling to kitchen and bathroom; taps and shower fitting to bath, bath panel and shelving in kitchen.

3. Evidence

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

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 parties and/the Committee's own general knowledge of market rent levels in the area of Frimley, Camberley and West Surrey. Having done so it concluded that such a likely market rent would be £650.00. per calendar month.

However, the actual property is not in the condition considered usual for a modern letting at a market rent. Therefore it was first necessary to adjust that hypothetical rent of £650.00. per calendar month. to allow for the differences between the condition considered usual for such a letting and the condition of the actual property as observed by the Committee (disregarding the effect of any disrepair or other defect attributable to the tenant or any predecessor in title). The Committee considered that this required deductions of £41.00. per week.

Furthermore, to allow for the tenant's improvements (listed above) it was necessary to make a further deduction of £6.00. per week.

The Committee did not consider that there was any substantial scarcity element and accordingly no further deduction was made for scarcity .

For the convenience of the parties, details of the committee's calculations are attached.

This leaves a net market rent for the subject property of £446.33.per calendar month..

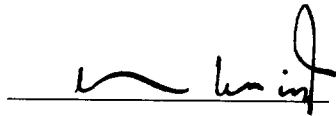
6. Decision

The fair rent initially determined by the Committee, for the purposes of section 70, was accordingly £446.33. per calendar month.

However, by virtue of the Rent Acts (Maximum Fair Rent) Order 1999 the maximum fair rent that can be registered in the present case is the lower sum of £431.50. per calendar month. (Details are provided on the back of the decision form).

Accordingly the sum of £431.50. per calendar month will be registered as the fair rent with effect from 22nd July 2003 being the date of the Committee's decision.

Chairman



Mr D M Nesbit JP FRICS FCI Arb

Dated

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

Case No:
CHI/43UJ/F77/2003/0130

6 FARM COURT, FARM ROAD
FRIMLEY, CAMBERLEY, SURREY

Rent Assessment Committee valuation

Market Rent

£650.00 pcm (£150 p.wk)

Deductions/Allowances for

Landlord's repairing/decoration obligations

£6.00

Lack of carpets & curtains

£5.00

Poor kitchen & lack of 'white' goods

£10.00

Lack of central heating

£8.00

No UPVC or replacement windows

£10.00

Tenant's improvements

£5.00

Disrepair, including dangerous external paths

£3.00

£47.00

£203.67

Reduced rent - £446.33 pcm

Allowance for Sect 70 (2) Rent Act 1977 - NIL