

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

Flat 14 Westley Court
1 Penhale Road
Portsmouth PO1 5EX

The Committee members were

Mr M R Horton FRICS (Chairman)
Mr P D Turner-Powell FRICS
Mrs C Newman JP

1. Background

On 14 March 2006 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 £93.94 per week with effect from 3 April 2006 is dated 24 February 2006.

The tenancy is a periodic tenancy which commenced on 17 January 2005. The current rent is £90.01 per week.

2. Inspection

The Committee inspected the property on 3 May 2006 and found it to be in good condition.

Inspection was limited to the exterior of the building which appeared to be in good condition.

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

None known.

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:

See service charge schedule in the case papers.

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

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 Portsmouth and concluded that an appropriate market rent for the property would be £93.94 per week.

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 £93.94 per week *inclusive of £19.58 in respect of services.*

This rent will take effect from 3 April 2006 being the date specified by the landlord in the notice of increase.

The Committee noted an obvious error in the Landlord's notice of increase which made reference to a starting date of 3 April 2005. However, the previous item 3 stated 3 April 2006 and having regard to the decision in the case of Sunrose Ltd –v- Gould, 1962, the Committee did not consider the interests of the tenant had been prejudiced. No representation was received from the Applicant on this matter.

(signed)

Michael R Horton

Chairman

Dated 5 May 2006

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.