

Rent Assessment Committee: Summary reasons for decision. Rent Act 1977

Address of Premises

Flat 21 Electric House
18 Teresa Mews
London
E17 3BS

The Committee members were

Lady Wilson
Mrs J E Davies FRICS
Mr O N Miller BSc

1. Background

On 23 April 2004 the landlord applied to the rent officer for registration of a fair rent of £92.66 per week for the above property.

The rent payable at the time of the application was £78.50 per week.

The rent was previously registered on 15 March 2002 with effect from the same date at £78.50 per week following a determination by the rent officer.

On 22 June 2004 the rent officer registered a fair rent of £87.50 per week including £30.84 in respect of services with effect from that date.

By a letter dated 2 August 2004 the landlord objected to the rent determined by the rent officer and the matter was referred to a rent assessment committee.

2. Inspection

The committee inspected the property on 2 December 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.

The registered rent includes a sum for the services as listed on the rent register.

3. Evidence

No written representations were received from either party.

A hearing was arranged for 2 December 2004 at the Panel Office but neither party attended.

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 Walthamstow. Having done so it concluded that such a likely market rent would be £150 per week.

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 £150 per week 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 a deduction of approximately 25%.

This leaves an adjusted market rent for the subject property of £112.50 per week including the sum of £31.49 per week in respect of services.

The committee found that there was substantial scarcity in the locality of Greater London and therefore made a deduction of 20% from the market rent to reflect this element.

6. Decision

The uncapped fair rent initially determined by the committee, for the purposes of section 70, was accordingly £90 per week inclusive of £31.49 per week in respect of services.

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 £89 per week inclusive of services (Details are provided on the back of the decision form).

Having read the tenancy agreement, the committee was satisfied that the service charge should not be treated as variable and that it should accordingly be included in the rent for the purpose of the capping calculation.

Accordingly the sum of £89 per week inclusive of services of £31.49 per week will be registered as the fair rent with effect from 2 December 2004 being the date of the committee's decision.

Chairman: Lady Wilson

Dated: 2 December 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 written request to the committee clerk at the Panel Office which must be made within 28 days from the date of issue of this document.

LC

FRSUMREAS/2002

Rent Assessment Committee: Summary reasons for decision. Rent Act 1977

Address of Premises

Flat 17 Electric House
18 Teresa Mews
London
E17 3BS

The Committee members were

Lady Wilson
Mrs J E Davies FRICS
Mr O N Miller BSc

1. Background

On 23 April 2004 the landlord applied to the rent officer for registration of a fair rent of £94.76 per week for the above property.

The rent payable at the time of the application was £80.50 per week.

The rent was previously registered on 15 March 2004 with effect from the same date at £80.50 per week following a determination by the rent officer.

On 22 June 2004 the rent officer registered a fair rent of £90 per week including £30.84 in respect of services with effect from that date.

By a letter dated 2 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 2 December 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.

The registered rent includes a sum for the services as listed on the rent register.

3. Evidence

No written representations were received from either party.

A hearing was arranged for 2 December 2004 at the Panel Office but neither party attended.

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 Walthamstow. Having done so it concluded that such a likely market rent would be £155 per week.

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 £155 per week 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 a deduction of approximately 25%.

This leaves an adjusted market rent for the subject property of £116.25 per week including the sum of £31.49 in respect of services.

The committee found that there was substantial scarcity in the locality of Greater London and therefore made a deduction of 20% from the market rent to reflect this element.

6. Decision

The uncapped fair rent initially determined by the committee, for the purposes of section 70, was accordingly £93 per week inclusive of £31.49 per week in respect of services.

Having read the tenancy agreement, the committee was satisfied that the service charge should not be treated as variable and that it should accordingly be included in the rent for the purpose of the capping calculation.

Accordingly the sum of £91.50 per week inclusive of services of £31.49 per week will be registered as the fair rent with effect from 2 December 2004 being the date of the committee's decision.

Chairman: Lady Wilson

Dated: 2 December 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 written request to the committee clerk at the Panel Office which must be made within 28 days from the date of issue of this document.

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FRSUMREAS/2002

Rent Assessment Committee: Summary reasons for decision. Rent Act 1977

Address of Premises

Flat 9 Electric House
18 Teresa Mews
London
E17 3BS

The Committee members were

Lady Wilson
Mrs J E Davies FRICS
Mr O N Miller BSc

1. Background

On 23 April 2004 the landlord applied to the rent officer for registration of a fair rent of £92.66 per week for the above property.

The rent payable at the time of the application was £78.50 per week.

The rent was previously registered on 15 March 2002 with effect from the same date at £78.50 per week following a determination by the rent officer.

On 22 June 2004 the rent officer registered a fair rent of £87.50 per week including £30.84 in respect of services with effect from that date.

By a letter dated 2 August 2004 the landlord objected to the rent determined by the rent officer and the matter was referred to a rent assessment committee.

2. Inspection

The committee inspected the property on 2 December 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.

The registered rent includes a sum for the services as listed on the rent register.

3. Evidence

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

A hearing was arranged for 2 December 2004 at the Panel Office but neither party attended.

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 committee's own general knowledge of market rent levels in the area of Walthamstow. Having done so it concluded that such a likely market rent would be £150 per week.

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 £150 per week 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 a deduction of approximately 25%.

This leaves an adjusted market rent for the subject property of £112.50 per week including services of £31.49.

The committee found that there was substantial scarcity in the locality of Greater London and therefore made a deduction of 20% from the market rent to reflect this element.

6. Decision

The uncapped fair rent initially determined by the Committee, for the purposes of section 70, was accordingly £90 per week inclusive of £31.49 per week in respect of services.

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 £89 per week inclusive of services (Details are provided on the back of the decision form).

Having read the tenancy agreement the committee was satisfied that the service charge should not be treated as variable and that it should accordingly be included to the rent for the purpose of the capping calculation.

Accordingly the sum of £89 per week inclusive of services of £31.49 per week will be registered as the fair rent with effect from 2 December 2004 being the date of the Committee's decision.

Chairman: Lady Wilson

Dated: 2 December 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 written request to the committee clerk at the Panel Office which must be made within 28 days from the date of issue of this document.

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FRSUMREAS/2002

Rent Assessment Committee: Summary reasons for decision.

Rent Act 1977

Address of Premises

Flat 10 Electric House
18 Teresa Mews
London
E17 3BS

The Committee members were

Lady Wilson
Mrs J E Davies FRICS
Mr O N Miller BSc

1. Background

On 23 April 2004 the landlord applied to the rent officer for registration of a fair rent of £90.99 per week for the above property.

The rent payable at the time of the application was £79 per week.

The rent was previously registered on 7 May 2002 with effect from the same date at £79 per week following a determination by the rent officer.

On 22 June 2004 the rent officer registered a fair rent of £87.50 per week including £30.84 in respect of services with effect from that date.

By a letter dated 2 August 2004 the landlord objected to the rent determined by the rent officer and the matter was referred to a rent assessment committee.

2. Inspection

The committee inspected the property on 2 December 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.

The registered rent includes a sum for the services as listed on the rent register.

3. Evidence

No written representations were received from either party.

A hearing was arranged for 2 December 2004 at the Panel Office but neither party attended.

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 committee's own general knowledge of market rent levels in the area of Walthamstow. Having done so it concluded that such a likely market rent would be £150 per week.

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 £150 per week 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 a deduction of approximately 25%.

This leaves an adjusted market rent for the subject property of £112.50 per week including the sum of £31.49 in respect of services.

The Committee found that there was substantial scarcity in the locality of Greater London and therefore made a deduction of 20% from the market rent to reflect this element.

6. Decision

The uncapped fair rent initially determined by the committee, for the purposes of section 70, was accordingly £90 per week inclusive of £31.49 per week in respect of services.

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 £89 per week inclusive of services (Details are provided on the back of the decision form).

Having read the tenancy agreement the committee was satisfied that the service charge should not be treated as variable and that it should accordingly be included in the rent for the purpose of the capping calculation.

Accordingly the sum of £89 per week inclusive of services of £31.49 per week will be registered as the fair rent with effect from 2 December 2004 being the date of the committee's decision.

Chairman: Lady Wilson

Dated: 2 December 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 written request to the committee clerk at the Panel Office which must be made within 28 days from the date of issue of this document.

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FRSUMREAS/2002

Rent Assessment Committee: Summary reasons for decision. Rent Act 1977

Address of Premises

Flat 14 Electric House
18 Teresa Mews
London
E17 3BS

The Committee members were

Lady Wilson
Mrs J E Davies FRICS
Mr O N Miller BSc

1. Background

On 23 April 2004 the landlord applied to the rent officer for registration of a fair rent of £92.66 per week for the above property.

The rent payable at the time of the application was £78.50 per week.

The rent was previously registered on 15 March 2002 with effect from the same date at £78.50 per week following a determination by the rent officer.

On 22 June 2004 the rent officer registered a fair rent of £87.50 per week including £30.84 in respect of services with effect from that date.

By a letter dated 2 August 2004 the landlord objected to the rent determined by the rent officer and the matter was referred to a rent assessment committee.

2. Inspection

The committee inspected the property on 2 December 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.

The registered rent includes a sum for the services as listed on the rent register.

3. Evidence

No written representations were received from either party.

A hearing was arranged for 2 December 2004 at the Panel Office but neither party attended.

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.

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- (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 committee's own general knowledge of market rent levels in the area of Walthamstow. Having done so it concluded that such a likely market rent would be £150 per week.

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 £150 per week 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 a deduction of approximately 25%.

This leaves an adjusted market rent for the subject property of £112.50 per week including the sum of £31.49 in respect of services.

The committee found that there was substantial scarcity in the locality of Greater London and therefore made a deduction of 20% from the market rent to reflect this element.

6. Decision

The uncapped fair rent initially determined by the committee, for the purposes of section 70, was accordingly £90 per week inclusive of £31.49 per week in respect of services.

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 £89 per week inclusive of services (Details are provided on the back of the decision form).

Having read the tenancy agreement, the committee was satisfied that the service charge should not be treated as variable and that it should accordingly be included in the rent for the purpose of the capping calculation.

Accordingly the sum of £89 per week inclusive of services of £31.49 per week will be registered as the fair rent with effect from 2 December 2004 being the date of the committee's decision.

Chairman: Lady Wilson

Dated: 2 December 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 written request to the committee clerk at the Panel Office which must be made within 28 days from the date of issue of this document.

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Rent Assessment Committee: Summary reasons for decision. Rent Act 1977

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The Committee members were

Lady Wilson
Mrs J E Davies FRICS
Mr O N Miller BSc

1. Background

On 23 April 2004 the landlord applied to the rent officer for registration of a fair rent of £92.66 per week for the above property.

The rent payable at the time of the application was £78.50 per week.

The rent was previously registered on 15 March 2002 with effect from the same date at £78.50 per week following a determination by the rent officer.

On 22 June 2004 the rent officer registered a fair rent of £87.50 per week including £30.84 in respect of services with effect from that date.

By a letter dated 2 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 2 December 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.

The registered rent includes a sum for the services as listed on the rent register.

3. Evidence

No written representations were received from either party.

A hearing was arranged for 2 December 2004 at the Panel Office but neither party attended.

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

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- (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 committee's own general knowledge of market rent levels in the area of Walthamstow. Having done so it concluded that such a likely market rent would be £150 per week.

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 £150 per week 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 a deduction of approximately 25%.

This leaves an adjusted market rent for the subject property of £112.50 per week including the sum of £31.49 in respect of services.

The committee found that there was substantial scarcity in the locality of Greater London and therefore made a deduction of 20% from the market rent to reflect this element.

6. Decision

The uncapped fair rent initially determined by the committee, for the purposes of section 70, was accordingly £90 per week inclusive of £31.49 per week in respect of services.

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 £89 per week inclusive of services (Details are provided on the back of the decision form).

Having read the tenancy agreement, the committee was satisfied that the service charge should not be treated as variable and that it should accordingly be included in the rent for the purpose of the capping calculation.

Accordingly the sum of £89 per week inclusive of services of £31.49 per week will be registered as the fair rent with effect from 2 December 2004 being the date of the committee's decision.

Chairman: Lady Wilson

Dated: 2 December 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 written request to the committee clerk at the Panel Office which must be made within 28 days from the date of issue of this document.

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FRSUMREAS/2002

Rent Assessment Committee: Summary reasons for decision. Rent Act 1977

Address of Premises

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The Committee members were

Lady Wilson
Mrs J E Davies FRICS
Mr O N Miller BSc

1. Background

On 23 April 2004 the landlord applied to the rent officer for registration of a fair rent of £92.66 per week for the above property.

The rent payable at the time of the application was £78.50 per week.

The rent was previously registered on 15 March 2002 with effect from the same date at £78.50 per week following a determination by the rent officer.

On 22 June 2004 the rent officer registered a fair rent of £87.50 per week including £30.84 in respect of services with effect from that date.

By a letter dated 2 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 2 December 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.

The registered rent includes a sum for the services as listed on the rent register.

3. Evidence

No written representations were received from either party.

A hearing was arranged for 2 December 2004 at the Panel Office but neither party attended.

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

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- (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 committee's own general knowledge of market rent levels in the area of Walthamstow. Having done so it concluded that such a likely market rent would be £150 per week.

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 £150 per week 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 a deduction of approximately 25%.

This leaves an adjusted market rent for the subject property of £112.50 per week including the sum of £31.49 in respect of services.

The committee found that there was substantial scarcity in the locality of Greater London and therefore made a deduction of 20% from the market rent to reflect this element.

6. Decision

The uncapped fair rent initially determined by the Committee, for the purposes of section 70, was accordingly £90 per week inclusive of £31.49 per week in respect of services.

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 £89 per week inclusive of services (Details are provided on the back of the decision form).

Having read the tenancy agreement, the committee was satisfied that the service charge should not be treated as variable and that it should accordingly be included in the rent for the purpose of the capping calculation.

Accordingly the sum of £89 per week inclusive of services of £31.49 per week will be registered as the fair rent with effect from 2 December 2004 being the date of the committee's decision.

Chairman: Lady Wilson

Dated: 2 December 2004

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