

LONDON RENT ASSESSMENT PANEL

DECISION AND REASONS OF RENT ASSESSMENT COMMITTEE HOUSING ACT 1988 Section 13



Residential
Property
TRIBUNAL SERVICE

Reference: LON/00AE/MDR/2006/0013

Address: Room 4, 47 Inman Road, Harlesden, London, NW10 9JU

Landlord: Mr & Mrs L Afonso

Tenant: Mr T Conteh

Hearing Date: 11 October 2006

Decision

The Committee does not have jurisdiction to determine this application for the reasons stated below.

Preliminary

An application was received by the Committee on 25 August 2006. A hearing was offered on 11 October 2006. Neither party attended the hearing but both sent in written representations.

The Law

1. Where a tenant has entered into an assured shorthold tenancy which began on or after 28 February 1997, the tenant may apply on the appropriate form to the Rent Assessment Committee within six months of the beginning of the original tenancy to have the rent reduced: Section 22 of the Housing Act 1988 as amended by Section 100 of the Housing Act 1996.
2. An application cannot be made if (a) the rent payable under the tenancy is a rent previously determined by a Rent Assessment Committee; or (b) the tenancy is a replacement tenancy and more than six months have elapsed since the beginning of the original tenancy. A replacement tenancy is an assured shorthold tenancy that came into being on the ending of a tenancy which had taken an assured shorthold of the same, or substantially the same, property and the landlord and tenant under each tenancy were the same at that time.

Facts Found

1. The tenant submitted a tenancy agreement for a term of 12 months from 1 April 2006 in respect of Room 4, 47 Inman Road, NW10 9JU dated 24 March 2006 at a rent of £477 for each rental period of 4 weeks (£119.25 per week), together with a Notice of an Assured Shorthold Tenancy dated 20 March 2006 and a Notice Requiring Possession pursuant to Section 21(1)b dated 24 March 2006. On 17 August the tenant applied to the Rent Assessment Committee under Section 22 of the Housing Act 1988 as amended to have the rent reduced.
2. On 11 October 2006 the Committee inspected the subject property in the presence of the landlord and tenant and found that the tenant currently occupied a small double bedroom on the first floor at the rear of the property. However, the landlord and tenant confirmed that when the tenant took up residence, he shared a room with his friend on the ground floor at the front of the property. The Committee inspected the ground floor room (a larger double bedroom still in the occupation of the tenant's friend). The rooms were not numbered and neither the landlord nor tenant could agree on the numbering of the rooms in the house. The tenant's friend was in occupation of the ground floor room before 1 April 2006.

Reasons for Decision

In these circumstances, the Committee determines that there is insufficient evidence to support an assured shorthold tenancy in favour of the tenant in respect of the front room on the ground floor as at 1 April 2006 because of lack of exclusive occupation at that date, having regard to the earlier occupation of the tenant's friend, and in the absence of an agreement for a joint tenancy. Accordingly the Committee has no jurisdiction.

Chairman F R Burton.....

Date 11 October 2006

Committee

Mrs F R Burton LLB LLM MA
Mr J R Humphrys FRICS
Mrs J Clark

JG
LMR 05/AM