

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

Address of Premises

3 Blakes Cottages
King Street
Odiham
RG29 1NL

The Committee members were

Mr A J Mellery-Pratt FRICS (Chairman)
Mr D Lintott FRICS
Mr D Wills ACIB

1. Background

On 20 July 2003 the landlord applied to the rent officer for registration of a fair rent of £780 per calendar month for the above property.

The rent payable at the time of the application was £261 per calendar month.

The rent was previously registered on 20 May 2002 with effect from 19 June 2002 at £261 per calendar month following a determination by the rent officer.

On 6 October 2003 the rent officer registered a fair rent of £282.50 per calendar month with effect from that date.

By a letter dated 27 October 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 16th December 2003 and found it to be in only 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.

- a) Many additional power points
- b) Gas fire to lounge

3. Evidence

The Committee received written representations from both the landlord and the tenant and these were copied to the other party.

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's agent and the Committee's own general knowledge of market rent levels in the area of Central Hampshire. Having done so it concluded that such a likely market rent would be £550 per 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 £550 per 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). These differences were summarized as:-

- Lack of Central Heating

- Poor Kitchen

- Tenant's decorating liability

- General Disrepair (poor windows, external decorations)

The Committee considered that this required a deduction of £169 per month.

Furthermore, to allow for the tenant's improvements (listed above) it was necessary to make a further deduction of £17.00 per month.

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

This leaves a net market rent for the subject property of £364 per month.

6. Decision

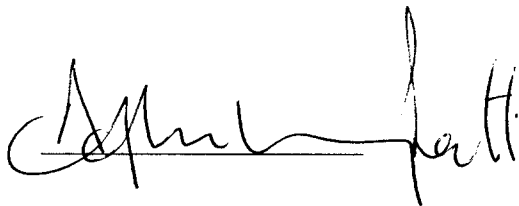
The fair rent initially determined by the Committee, for the purposes of section 70, was accordingly £364.00 per month.

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 £284.00 per month.

The fair rent to be registered is limited by the Rent Acts (Maximum Fair Rent) Order 1999 because the landlord's repairs since the previous registration do not exceed the previous registered rent by at least 15%.

Accordingly the sum of £284 per month will be registered as the fair rent with effect from 16th December 2003 being the date of the Committee's decision.

Chairman



Dated

22nd December 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.