

Rent Assessment Committee: Summary reasons for decision.

Housing Act 1988

Address of Premises

25 Grebe Court

Bridgwater

Somerset

TA6 5RD

Landlord Mr D Hooper
 18 Eastbourne Road
 Taunton
 Somerset

Tenant Mr C Blackmore

The Committee members were

Miss S Casey LLB (Hons) (Chairman)

Mrs M Hodge (Hons) MRICS

Mr L H Parkyn

1. Background

On 26 February 2004 the tenant of the above property ("the Property") made an application to the Committee to determine a rent under an assured shorthold tenancy under Section 22 (1) of the Housing Act 1988.

The tenancy commenced on 22 January 2004 for a term of 6 months. The current rent was £360.00 (three hundred and sixty pounds) per month.

2. Inspection

The Committee inspected the Property on 26 March 2004 and found it to be in good condition. There was no central heating and no double glazing. The property comprised a kitchen, sitting room with internal stairway leading to the first floor. On the first floor was one double bedroom, one small single room and a bathroom/wc. There was a small bin store/cupboard adjacent to the front door, an allocated space to park one car, but no garden.

3. Evidence

The Committee received written representations from the Tenant on the day of the hearing which may be summarised as follows:

- (1) Previous Tenants paid £340.00 per month.
- (2) The Applicant once he paid his rent was left with a disposable income of £40.00 to pay all outgoings.
- (3) He is currently studying for an NVQ course.

It was not possible to make these available to the Landlord for comment due to their date of receipt although, in view of the Committee's decision, his interests were not prejudiced. These representations were outside the considerations of the Housing Act 1988.

The Committee also received a written representation from the Landlord (which had been copied to the Tenant prior to the inspection and hearing) confirming the rent payable was not inclusive of Council tax.

A hearing was arranged for 12.30pm on 26 March 2004 at "The Arts Centre" Bridgwater, neither party attended.

4. The Law

In accordance with the terms of section 22(1) and 22(3) Housing Act 1988 the Committee proceeded to determine the rent at which it considered the Property might reasonably be expected to be let on the open market by a willing landlord under an assured tenancy.

In coming to its decision that the present rent was not "significantly higher" than the rent the landlord might reasonably be expected to obtain, the Committee had regard to its own general knowledge of market rent levels in the area of Bridgwater and Sedgemoor.

5. The Decision

The Committee therefore did not make a determination pursuant to section 22(3)(b) Housing Act 1988.

Section 22 (3) states;

"Where an application is made to a rent assessment committee under subsection (1).....with respect to the rent under an assured shorthold

tenancy, the committee shall not make such a determination as is referred to in that subsection unless they consider –

(a) That there is a sufficient number of similar dwelling-houses in the locality let on assured tenancies (whether shorthold or not); and

(b) That the rent payable under the assured shorthold tenancy in question is significantly higher than the rent which the landlord might reasonably be expected to be able to obtain under the tenancy, having regard to the level of rents payable under the tenancies referred to in paragraph (a) above”.

Chairman Miss S Casey LLB (Hons)

Dated

Siobhan Casey
17/4/04