

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

Address of Premises

8 Eddystone Rise
Liskeard
Cornwall PL14 3DQ

The Committee members were

Mr T E Dickinson BSc FRICS (Chair)
Mr R P Long LLB
Mr P J R Michelmores FRICS

1. Background

On 15 December 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 £575 per month with effect from 1 February 2007 is dated 1 December 2006.

The tenancy is an Assured Shorthold Tenancy which commenced on 8 January 2002. The tenancy agreement states a yearly rent of £70 per week but the rent has, in practice, always been paid by monthly instalments. This has been confirmed by the tenant in his application. The tenancy is, therefore, a monthly periodic tenancy with rent payable monthly on the first of each month. Accordingly, the section 13 notice requires that the new rent take effect from 1 February 2007.

2. Inspection

The Committee inspected the property on 14 February 2007 and found it to be in fair condition, although the house is in need of external redecoration with evidence of peeling paintwork to the joinery and wet rot affected woodwork to some of the fascias and the sill to the patio doors. Additionally, the aluminium framed patio doors to the rear of the through lounge do not open satisfactorily.

The following qualifying tenant's improvement had been made to the property:-

- a. Improvements to the entrance hall, including the removal of the sliding doors from the porch to the hall, replastering, redecoration and levelling of the flooring.
- b. Labour costs for the installation of replacement kitchen units (although the Landlord paid for the materials).
- c. Provision of new sanitary fittings in the bathroom and the wall tiling (although the Landlord paid for the labour elements).
- d. Provision of a new opening between the dining end of the through living room and the kitchen.

- e. Improvements to the back garden including the construction of a slab patio.
- f. Provision of a new side gate.
- g. Repairs to the garage including the provision of new fascias and soffits, together with repairs to the pulleys on the door mechanism.

(The tenant has also arranged for the installation of both cavity wall insulation and loft insulation through Grant Assistance, although the Committee do not consider these to be qualifying improvements and their value in terms of rental would accrue to the Landlord)

The following services are provided for the tenant: None

3. Evidence

The Committee received written representations from the landlord and tenant's representatives and these were copied to the parties.

Neither party requested a hearing at which oral representations could be made.

The tenant felt that although there was a good argument to raise the rent, he thought that the proposed increase was disproportionate to his mother's intentions. The tenant included a letter from Graham Wrights Letting Agents of Liskeard, dated 5 December 2006, suggesting a market rental of £400 per calendar month in 2002, whereas the property was originally let at £280 per month.

Mr Wright also provided an opinion of the present rent at £575 per calendar month.

The tenant, Mr Aldis, was of the view that a similar mathematical calculation, via percentages could proportionately reduce the proposed figure of £575 per calendar month.

The landlord's representatives had obtained a rental valuation of £575 per calendar month from Miller and Son of Launceston.

Peter Reginald Hopper FRICS of Kivells, Chartered Surveyors, Liskeard had additionally provided a current rental valuation of £525 per calendar month to take into account the tenant's improvements, which had been disregarded for the purpose of the rental assessment.

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 the Act.

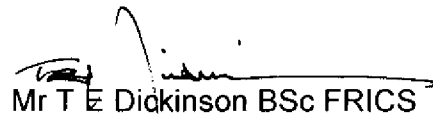
In coming to its decision the Committee had regard to the evidence supplied by the parties and the members' own general knowledge of market rent levels in the area of East Cornwall and concluded that an appropriate market rent for the property would be £525 per month.

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 £525 per month.

This rent will take effect from 1 February 2007 being the date specified by the landlord in the notice of increase.

Chairman


Mr T E Dickinson BSc FRICS

Date

16th February 2007
