

**Rent Assessment Committee: Summary reasons for decision.
Rent Act 1977****Address of Premises**

29 Lowell Street
Worcester
WR1 1NP

The Committee members were

Mr I D Humphries
Mr J Dove
Mrs C Smith

1. Background

On 3.3.05 the landlord applied to the rent officer for registration of a fair rent of £65.50 per week for the above property.

The rent payable at the time of the application was £54.00 per week.

The rent was previously registered on 15.4.03 with effect from 1.5.03 following a determination by the rent officer.

On 29.3.05 the rent officer registered a fair rent of £59.00 per week with effect from 1.5.05.

By a letter dated 6.4.05 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 6.6.05 and found it to be in fair condition.

The following tenant's improvements had been made to the property.

- 1) Installing mains gas
- 2) Installing lounge and dining room gas fires
- 3) Installing a damp proof course
- 4) Re-fitting the kitchen cupboards
- 5) Replacing the kitchen floor
- 6) Replacing the bath and toilet

3. Evidence

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

A hearing was arranged for 11:30am on 6.6.05 in Worcester at the landlord's request, but prior to the hearing this was withdrawn.

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 Worcester. Having done so it concluded that such a likely market rent would be £90.00 per week.

Furthermore, to allow for the tenant's improvements (listed above) it was necessary to make a further deduction of £10 per week.

The Committee found that there was substantial scarcity in the locality and therefore deducted a further sum of £8.00 from the market rent to reflect this element.

This leaves a fair rent for the subject property of £72.00 per week.

6. Decision

The fair rent initially determined by the Committee, for the purposes of section 70, was accordingly £72.00 per week.

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 £60.00 per week.

Accordingly the sum of £60.00 per week will be registered as the fair rent with effect from 6.6.05 being the date of the Committee's decision.

Chairman Mr I D Humphries

Dated 6.6.05

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.

