

Southern Rent Assessment Panel

File Ref No.

CHI/24UG/MNR/2003/0037

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

Address of Premises

10 Lowlands Road
Blackwater
Camberley GU17 0AL

The Committee members were

Mr J H S Preston JP, FRICS
Mrs H C Bowers MRICS
Mrs J Playfair

1. Background

On 19 February 2003 the tenant of the above property, Mr R Pullar, referred to the Committee a notice of increase of rent served by the landlord under section 13 of the Housing Act 1988.

The landlord, Bankway Properties Limited represented by Hamways, served a notice dated 10 February 2003, which proposed a rent of £150.00 per week with effect from 17 March 2003.

The tenancy is a statutory periodic tenancy under the Housing Act 1988 from March 1995 by succession, which arose on the death of the tenant's father. The rent currently payable is £58.50 per week

2. Inspection

The Committee inspected the property on 8 April 2003, in the presence of the tenant and of Mr Keith Aspinall from the Citizens Advice Bureau, who was advising the tenant.

The property comprises a semi-detached house, built of brick with a tiled roof and having the following accommodation: -

Ground Floor: Living room; Kitchen; Scullery; WC accessed via a lean-to porch.

First floor: One double and two single bedrooms.

Mains services are connected.

There are small areas of garden to front and rear, the latter containing the tenant's sheds and greenhouses.

The tenant has carried out the following improvements since 1995: -

- Re-wiring of the electrical installation.
- Construction of parking space.

The property has the following deficiencies and defects: -

- No bathroom.
- No inside toilet.
- No central heating.

- Sub-standard windows.
- Rising and penetrating damp.
- Structural cracks to walls.
- Inadequate number of power points.

The committee found the house to be in poor repair and decorative condition both internally and externally and recorded the accommodation generally to be sub-standard, in view of the above items.

3. The Hearing

The Committee received written representations from the tenant, relating to the condition of the house. Written representations were received from the landlord in Hamways' letter of 1 April, providing evidence of comparable lettings.

A hearing was held on 8 April 2003 after the inspection. Mr Pullar and Mr Aspinall attended the hearing. The landlord had previously stated that he would not attend.

Mr Aspinall addressed the Committee on behalf of Mr Pullar. He stated that the tenancy was a weekly tenancy, with the rent being paid at four or five weekly intervals. There was no tenancy agreement. On 14 August 2000, on application, the Rent Service had assessed a fair rent of £65.00 per week, subject to capping to £58.50 per week under the Maximum Fair Rent Order. However this determination was subsequently found not to have a legal basis, in that the tenancy came under the Housing Act 1988 and not the Rent Act 1977. Notwithstanding this situation, Mr Aspinall submitted that the assessment was an indication as to the level of rent that should apply to the property. He drew attention in particular to the serious lack of basic amenities and facilities in the house. Mr Aspinall commented on the landlord's evidence of comparable properties, pointing out that they were all for houses, which had been refurbished and fitted to contain modern amenities, such as bathroom, inside toilet, kitchen fittings and central heating, all of which were absent from No. 10 Lowlands Road.

There being no other representations the Chairman closed the hearing.

4. The decision

In accordance with Sec. 14 of the 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 ignored the effect on the rental value of the property of relevant tenant's improvements. In coming to its decision the Committee had regard to the evidence gleaned at their inspection, as summarised above, the representations made at the hearing and the letter from Hamways.

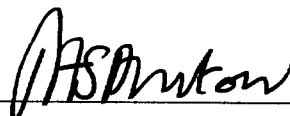
The evidence of the determination by the Rent Service was not relevant to the extent that it was made under the provisions of the Rent Act 1977 and was acknowledged to have been made in error. The comparable evidence from Hamways had little relevance, in that it related to properties in Redhill, Woking and Guildford, which were in good condition and had all modern amenities. The Committee did not find them to be of assistance in considering the open market rental value of the property.

The Committee therefore relied on its members' own knowledge of the market in the area. They concluded that an appropriate market rent for the property, assuming that it was in a good state of repair and had the benefit of central heating, modern kitchen and bathroom with inside toilet would be £675.00 per calendar month. From this they made the following allowances to reflect the actual condition of the property: -

1. Tenants improvements	£ 50.00
2. Lack of amenities and modern fittings	£210.00
3. Disrepair	<u>£100.00</u>
	<u>£360.00</u>

Accordingly the Committee determined that the rent under Sec. 14 should be £315.00 per month (**£72.50 per week**). This rent will take effect from 17 March 2003, being the date specified in the notice of increase served by the landlord.

Signed



J H S Preston JP FRICS (Chairman)

Dated 8 April 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, which must be made within 21 days from the date of issue of this document.