

Rent Assessment Committee: Summary reasons for decision.

Housing Act 1988

Address of Premises

2 Victoria Cottages
The Moor
Hawkhurst
TN18 4NR

The Committee members were

Mr R Wilson LLB (Chairman)
Mr B Simms FRICS AICrb
Miss J Dalal

1. Background

On 16th April 2004 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 £650 per month with effect from 1 June 2004, is dated 13 April 2004.

The tenancy commenced on 1st February 2003 for a term of 6 months expiring on 31st July 2003. The tenant remains in occupation as a statutory periodic tenant. The current rent is £450 per calendar month.

2. Inspection

The Committee inspected the property on 10th June 2004 and found it to be in fair condition. The subject property is a semidetached Victorian Cottage with two reception rooms, kitchen and bathroom on ground floor, two bedrooms on 1st floor, and an attic bedroom on the top floor. Small gardens to the front and rear.

3. Evidence

The committee received written representations from the landlord and tenant and these were copied to the parties.

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

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 that Act.

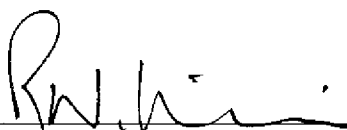
In coming to its decision the Committee had regard to the evidence supplied by the parties/ and the members' own general knowledge of market rent levels in the area of rural Mid Kent and concluded that an appropriate market rent for the property would be £505 per month.

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 £505 per month.

This rent will take effect from 1st June 2004 being the date specified by the landlord in the notice of increase.

Chairman


MR R T A WILSON LLB

Dated

17th June 2004

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.

Rent Assessment Committee: Extended Reasons for Decision.

Housing Act 1988

Address of Premises

2 Victoria Cottages
The Moor
Hawkhurst
TN18 4NR

The Committee members were

Mr R Wilson LLB (Chairman)
Mr B Simms FRICS MCI Arb
Miss J Dalal

1. Background

1.1 On 16th April 2004 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.

1.2 The landlord's notice, which proposed a rent of £650 per month with effect from 1 June 2004, is dated 13 April 2004.

1.3 The tenancy commenced on 1st February 2003 for a term of 6 months expiring on 31st July 2003. The tenant remains in occupation as a statutory periodic tenant. The current rent is £450 per calendar month.

2. Inspection

2.1 We inspected the property in the presence of the Tenant. It was a semi-detached Victorian cottage of brick construction with a tiled roof, metal rain water goods and wooden sash windows. All main services were connected. The property had the benefit of central heating. The accommodation consisted of two reception rooms, a small kitchen with the bathroom leading off from the kitchen separated by a small lobby all on the ground floor, two bedrooms on first floor and a partially converted attic bedroom on the top floor. The property had small gardens to front and rear and situated on a fairly busy rural road. The interior of

the property was in fair condition with small areas of damp to the back room. Several of the windows were found not to open due to defective sashes. The carpets in both reception rooms and in all bedrooms were in poor condition. The bathroom had somewhat outdated fittings but the kitchen had been newly fitted and a cooker installed by the landlords. No other white goods were supplied by the landlord.

2.2

The bathroom addition had cracks in the walls and was pulling away from the main wall of the house.

3. Evidence

3.1 The parties had both indicated in writing that they did not wish to have a formal hearing and that they were content for the matter to proceed on the basis of the Committee's inspection and of the written representations that they had sent to the Committee.

3.2 The Landlords agent had by letter asserted that if the property became vacant then their client would upgrade certain areas of the subject property which would then command a rent in excess of £700 per month. In support of this contention they supplied a number of property letting particulars, several of which related to properties in Hawkhurst. The asking rents ranged from £575 to £725 per calendar month. None of the particulars were dated and there was no supporting evidence to confirm that the rents asked for had actually been achieved.

3.3 The Tenant by letter stated that whilst they were aware that there were comparable properties in the village commanding higher rents than proposed by the Landlord, they also knew through word of mouth that these properties were in good modern letting condition. They felt that the subject property would have to have work carried out to it to come up to open market standards. They produced a list of the work that they felt was necessary.

4. Consideration

4.1 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.

4.2 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 that Act.

4.3 With the benefit of our knowledge and experience of open market rents generally in the area, we concluded that the rent for the subject property let on an assured shorthold tenancy in the open market in good modern letting condition, would be £575 per calendar month. By good modern letting condition we mean what a prospective tenant would expect to find in this locality in a property available to be let on the open market. The property would be in good structural and decorative order both inside and out. It would have a modern bathroom, carpets in good condition and it would also have white goods such as a cooker and fridge.

4.4 The adjustments below take account of the differences between such a property and the one we were considering, and allow for the effect that those differences would have on the rent that it would fetch on the open market.

4.5 The property has carpets which are somewhat thread bare and in poor condition. We concluded therefore that a prospective tenant in the open market would expect to pay £20 per month less for this property by way of rent than he would otherwise pay for an otherwise identical property that had carpets in good condition. We made an adjustment of that amount to reflect the fact.

4.6 In just the same way, the bathroom in this property is not of the standard that would be expected of a property in good modern letting condition. We similarly considered that a prospective tenant for this property in the open market would expect to pay £25 per month less rent because of the inferior nature of these facilities.

4.7 We made a similar allowance because of general disrepair to the property to include the poor condition of the sash windows and the minor damp, in the sum of £25 per month.

4.8 We therefore produced the following calculation on a monthly basis.

Open Market Rent		£575 per month
Less allowances for:		
Lack of carpets	£ 20	
Lack of a modern bathroom	£ 25	
General lack of repair/dampness	£ 25	

Sub total	£ 70	70

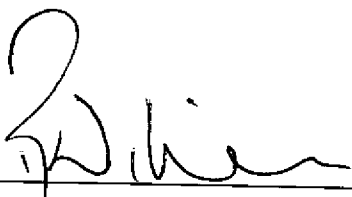
	Final total	£505 per month
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5. The Decision

5.1 The Committee therefore concluded that the rent at which the property might reasonably be expected to be let on the open market would be £505 per month.

5.2 This rent will take effect from 1st June 2004 being the date specified by the landlord in the notice of increase.

Chairman



MR R T A WILSON LLB

Dated

20th July 2004