

Rent Assessment Committee: Reasons for decision.

Housing Act 1988

Address of Premises

Flat 6A
12 Anglesea Terrace
St Leonards-on-Sea
East Sussex
TN38 0QT

The Committee members were

Mr B H R Simms FRICS MCIArb
Ms J K Morris

1. Background

On 27 May 2005 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 £520.00.per calendar month with effect from 20 June 2005 is dated 29 April 2005. The notice was made on the earlier version of the prescribed form 4 rather than the correct form 4a.

The tenancy commenced on 20 December 2002 for a term of 12 months. The tenant remains in occupation as a statutory periodic tenant. The current rent is £433.33. per calendar month.

On the 1st July 2005 the tenant wrote to withdraw her application but the landlord would not give its consent so the application proceeded to a determination.

2. Inspection

The Committee inspected the property on 6 July 2005 and found it to be in fairly good condition.

The property comprises a two bedroom flat formed by conversion on the top (fifth) floor of a large end of terrace mansion building.

3. Evidence

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

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 members' own general knowledge of market rent levels in the area of Hastings and St Leonards and concluded that an appropriate market rent for the property would be £475.00 per calendar month.

5. The decision

The Committee determined that although the incorrect form of notice was used by the landlord it contained all the required elements and could be considered to be a valid notice.

Although the applicant had wished to withdraw her objection this can only be accepted with the landlord's agreement which was not forthcoming.

The Committee therefore concluded that the rent at which the property might reasonably be expected to be let on the open market would be £475.00 per calendar month.

This rent will take effect from 20 June 2005 being the date specified by the landlord in the notice of increase.

Chairman


B H R Simms FRICS MCI Arb

Dated

6 July 2005
