

SOUTHERN RENT ASSESSMENT PANEL

**RENT ASSESSMENT COMMITTEES (ENGLAND AND WALES)
REGULATIONS 1971**

**CORRECTION CERTIFICATE UNDER REGULATION 10(2)
OF THE ABOVE REGULATION**

RE: 22b Keyberry Road, Newton Abbot, TQ12 1BX

Ref:CHI/18UH/F77/2004/0024

As Chairman of the Rent Assessment Committee which determined the fair rent for the above mentioned premises, I hereby correct an error in the decision of the Committee dated 30 March 2004.

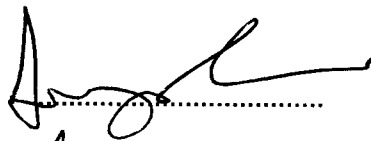
The decision stated:

"The effective date under Paragraph 2 is 14 February 2004 "

I hereby correct that error and certify that the decision should be read and construed as follows:

"The effective date under Paragraph 2 is 30 March 2004"

Chairman



Date

16/4/05

RENT ASSESSMENT COMMITTEE

(Chairman)

Rent Assessment Committee: Summary reasons for decision.
Rent Act 1977

Address of Premises

22B Keyberry Road
Decoy

Newton Abbott TQ12 1BU

The Committee members were

Mr D Sproull LLB (Chair)
Mr A J Lumby BSc FRICS
Ms C Rai

1. Background

On the 20th October 2003 the landlord applied to the Rent Officer for registration of a fair rent of £400.00 per calendar month for the above property.

The rent was previously registered at £333.50 per calendar month following a decision of a Rent Assessment Committee.

On the 24th December 2003 the Rent Officer registered a fair rent of £345.00 per calendar month with effect from the 14th February 2004.

By a letter dated 27th February 2004 the landlord asked for the matter to be referred to a Rent Assessment Committee

2. Inspection

The Committee inspected the property on 30th March 2004 and found it to be in good condition as described more particularly in the Rent Officer's survey sheet which had

been copied to the parties. The following tenant's improvements had been made to the property:-

- a) Provision of front and rear gates and outside lighting
- b) Provision of night storage heaters on the landing and in bedroom 2
- c) Some re-wiring including provision of some additional power points
- d) Provision of wall cupboard and base unit in kitchen
- e) Plumbing for washing machine
- f) Provision of heated towel rail and cabinet in bathroom
- g) Provision of fitted wardrobes in front bedroom
- h) Provision of coving to living room

3. Evidence

The Committee had the benefit of written representations received from the landlord and the tenant and copied to the parties.

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

4. The Consideration

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 and disregarded the effect of any relevant tenant's improvements 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

5. Valuation

In the present case the Committee had regard to the evidence supplied by the parties. They also took into account their own general knowledge of market rent levels in the area of Newton Abbot and Kingsteignton. They concluded that an appropriate market rent starting point would be £100.00 per week.

The Committee did not consider that there was any substantial scarcity element and accordingly no further deduction was made for scarcity in the locality mentioned above.

The Committee's calculation was as follows:-

Market rent starting point	£100.00 per week
Less deduction for tenant's improvements	£2.50 per week
Less allowance for tenant's responsibility to redecorate the interior	£7.85 per week
Scarcity	Nil
Fair Rent	£89.65 per week

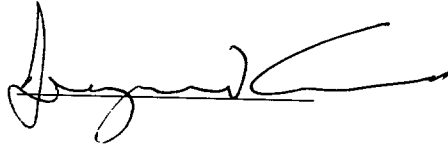
Or, say, £388.00 per calendar month

6. Decision

The fair rent initially determined by the Committee, for the purposes of Section 70, was accordingly £388.00 per calendar month.

However, that rent is capped by the Rent Acts (Maximum Fair Rent) Order 1999 and the amount to be registered/confirmed as the fair rent is accordingly limited to £368.50 per calendar month. Details are provided on the back of the decision form.

Chairman



Dated

8/04/04

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

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

Address of Premises

22b Keyberry Road
Newton Abbot
Devon, TQ12 1BX

The Committee members were

Mr D Sproull LLB (Chair)
Mr A J Lumby BSc FRICS
Ms C Rai

1. Background

On 20 October 2003 the landlord applied to the rent officer for registration of a fair rent of £400.00 per calendar month for the above property.

The rent payable at the time of the application was £333.50 per calendar month following a decision of a Rent Assessment Committee.

On 24 December 2003 the rent officer registered a fair rent of £345.00 per calendar month with effect from 14 February 2004.

By a letter dated 27 February 2004 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 30 March 2004 and found it to be in good condition as described more particularly in the Rent Officer's survey sheet that had been copied to the parties. The following tenant's improvements had been made to the property:-

- A) Provision of front and rear gates and outside lighting.
- B) Provision of night storage heaters on the landing and outside lighting.
- C) Some rewiring including provision of some additional power points
- D) Provision of wall cupboard and base unit in kitchen.
- E) Plumbing for washing machine.
- F) Provision of heated towel rail and cabinet in bathroom.
- G) Provision of fitted wardrobes in front bedroom.
- H) Provision of coving to living room.

3. Evidence

The Committee had the benefit of 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

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

In the present case the Committee had regard to the evidence supplied by the parties. They also took into account their own general knowledge of market levels in the area of Newton Abbot and Kingsteignton. They concluded that an appropriate market rent starting point would be £100.00 per week.

The Committee did not consider that there was any substantial scarcity element and accordingly no further deduction was made for scarcity in the locality mentioned above.

The Committee's calculation was as follows:-

Market rent starting point	£100.00 per week
Less deduction for tenant's improvements	£2.50 per week
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6. Decision

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However, that rent is capped by the Rent Acts (Maximum Fair Rent) Order 1999 and the amount to be registered as the fair rent is accordingly limited to £368.50 per calendar month. Details are provided on the back of the decision form.

Chairman (Signed) D Sproull

Dated 8th April 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 at the Panel Office that must be made within 21 days from the date of issue of this document.