

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

2 Portlemore Barton
Malborough
Kingsbridge
TQ7 3DD

The Committee members were

D G Willis (Chairman)
E R Distin FRICS
Miss C Rai

1. Background

On 20th December 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 £550 per month with effect from 4th January 2006 is dated 1st December 2005.

The tenancy commenced on 4th April 1997 for a term of 6 months. The tenant remains in occupation as a statutory periodic tenant. The current rent is £325 per month.

2. Inspection

The Committee inspected the property on 1st February 2006 and found it to be in poor condition.

The inspection revealed evidence throughout of penetrating and rising damp, condensation problems accentuated by lack of adequate ventilation, very few windows could be opened, there was no central heating, windows in the kitchen provided inadequate openings, and rainwater goods needed renewing together with the old cast iron part of the soil vent pipe.

The bathroom was of a single leaf construction, giving rise to dampness, lack of insulation, and condensation, aggravated by a northerly aspect.

No carpets or curtains were provided, and no white goods.

The only heating provided by the landlord was by four night storage radiators, one of which was on the first floor.

Originally, this cottage and that adjoining had been a single dwelling. When divided inadequate partitioning had been installed. No plastering of the partition in the roof had been carried out on the side of no.2.

The outside of the property did not appear to have been decorated since the tenancy commenced.

The following qualifying tenant's improvements had been made to the property.
Provision of carpets/floor coverings, wood burning stove and curtain rails.

The following services are provided for the tenant.

None

3. Evidence

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

No evidence of market rents was provided by either party.

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 South Hams and concluded that an appropriate market rent for the property would be £375.00 per month. However the Committee considered that in its present state and condition it would be unlikely to attract a tenant. However if the property was brought up to standard by the landlord it would be lettable and the market rent proposed would reflect the comparable evidence obtained by the committee.

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 £375.00 per month.

This rent will take effect from 4th January 2006 being the date specified by the landlord in the notice of increase.

Chairman


D G Willis

Dated

1st February 2006

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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.