

**Rent Assessment Committee: Summary reasons for decision.
Housing Act 1988 – Section 22**

Address of Premises

115 Kitwood Avenue
Dordon
Tamworth
B78 1PF

The Committee members were

Professor N Gravells MA
Mr S Follwell FRICS JP
Mr J Bunn JP

1. Background

On 13/09/03 the tenant of the above property applied to the Committee for a determination under section 22 of the Housing Act 1988.

The tenancy commenced on 23/03/03 for a term of 6 months/years. The current rent is £ 450 per month.

2. Inspection

The Committee inspected the property on 12/11/03 and found it to be in good/fair/poor* condition.*

[Brief description of condition]

The following qualifying tenant's improvements 2 had been made to the property.*

The Committee was unable to gain access at the appointed time in order to inspect the property internally and therefore made an 2 external inspection only.*

The following services are provided 2 for the tenant.

3. Evidence

~~The committee received written representations from the landlord and tenant and these were copied to the parties/~~ No written representations were received from the landlord/tenant/either party.*

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

A hearing was held aton 2.....in..... at which oral representations were made by/on behalf of* the landlord and/tenant.* The landlord/tenant* was not present or 2 represented.*

A hearing was arranged for.....on 2.....in..... but neither party attended.*

4. The law

In accordance with the terms of section 22 Housing Act 1988 the Committee may make a determination of the rent at which it considers that the subject property might reasonably be expected to be let under an assured shorthold tenancy. However the committee may not make such a determination unless they consider-

- (a) that there is a sufficient number of similar dwellings-houses in the locality let on assured tenancies (whether shorthold or not); and
- (b) that the rent payable under the assured shorthold tenancy in question is significantly higher than the rent which the landlord might reasonably be expected to be able to obtain under the tenancy, having regard to the level of rents payable under the tenancies referred to in paragraph (a) above.

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 Tatworth and concluded that an appropriate market rent for the property would be £ 375 per ~~week/fortnight/month/quarter~~.**

Note: the Committee may want to indicate here any particularly compelling market rental evidence on which it relied.

5. The decision

*The Committee concluded that the conditions of section 22(3) are satisfied and determination that the rent at which the property might reasonably be expected to be let under an assured shorthold tenancy would be £ 375 per ~~week/fortnight/month/quarter~~ inclusive of ~~in respect of services~~.**

*This rent will take effect from 23/03/03 being the date specified by the landlord in the notice of increase.**

The Committee concluded that the conditions of section 22(3) are not satisfied and therefore the Committee was not able to ~~make~~ a determination.

The Committee concluded that whilst the conditions of section 22(3)(a) are satisfied the conditions of section 22(3)(b) are not satisfied and therefore the Committee was not able to make a determination.

It should be noted that the tenancy contains a variable service charge within the meaning of section 18 of the Landlord and Tenant Act 1985. It follows the rent determined by the Committee for the purposes of this application is exclusive of that service charge which will therefore be recoverable in addition to the rent determined.

Chairman

Nigel Cunniff

Dated

18/4/03

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.