

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

1 CHURCH GREEN  
WAREHAM  
DORSET

**The Committee members were**

Mr L H Parkyn, Lawyer (Chairman)  
Mr P G Harrison FRICS  
Mr A P Osborn

**1. Background**

On 21 February 2003 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, (served by agents Washbrook Stevens) which proposed a rent of £575 per calendar month with effect from 20 March 2003 was dated 17 February 2003.

The tenancy is an assured periodic tenancy by succession, which arose on the death of the former tenant in 2000. The rent payable is £350 per calendar month.

**1. Inspection**

The Committee inspected the property on 19 March 2003 in the presence of the tenant (the landlord was not represented) and found it to be in fair to poor condition.

The property was an end terraced cottage with accommodation on three floors comprising a living room, kitchen and rear lobby on the ground floor; two bedrooms, one double and one single (the former giving access to the stairs to the second floor) and a bathroom on the first floor; and two further attic bedrooms on the second floor although the degree of use to which these two rooms could be put was severely restricted by a lack of head room and sloping ceilings.

Externally access to the property was directly from the pavement and at the rear was a very small almost triangular yard with access only from the kitchen.

During the inspection the Committee was informed that the property was built c. 1652 and was partially of cob construction and that the majority of the works carried out by the tenant had been undertaken since he succeeded to the tenancy.

The Committee noted: -

- All rooms were small by modern standards

- The property suffered from some rising damp although this was not surprising with cob construction
- the kitchen and the bathroom had been fitted out by the landlord to a very basic standard
- the only space heating was from a boiler back grate in the living room: there was no central heating
- domestic hot water was provided from the boiler back grate or an electric immersion heater although the Committee was told that there was no hot water supply to the kitchen sink
- the entrance lobby was very small and inconvenient.
- the double bedroom on the first floor was made inconvenient by the access to the stairs to the second floor
- the single bedroom on the first floor was satisfactory as such although used by the tenant as an office/study
- not only were the attic bedrooms on the second floor severely restricted by the height and sloping ceilings but also some of the timbers may be defective and the plaster ceiling in one of the rooms bowed dangerously to make the room unsafe for occupation

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

- upgrading the kitchen and bathroom
- installing a Heatrae/ Sadia water heater in the kitchen
- rewiring to a modern standard

The landlord provided no services for the tenant.

## **2. Evidence**

The Committee received late written representations from the tenant and adjourned consideration to allow the landlord's agents to respond which they did. The representations were mainly directed to the condition of the premises and the tenant's improvements but the landlords agents said they had been advised by local agents Goadsby & Harding that a property of the type of the subject property "...is achieving (rents of) £650 per calendar month."

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

## **3. 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 limited evidence supplied by the landlord's agents and the members' own general knowledge of market rent

levels in the area of South East Dorset and concluded that an appropriate market rent for the property would be £350 per calendar month.

In reaching this decision and allowing for the tenant's improvements the Committee calculated the rent on a monthly basis as follows: -

<b>Market rent</b>		£525.00
<b>Less</b>		
Lack of central heating & proper domestic hot water system	50.00	
Poor kitchen & bathroom	35.00	
Lack of floor coverings	30.00	
General disrepair & poor electrical specification	50.00	
Tenant's decorating liability	15.00	
		<u>180.00</u>
		<b>£345.00</b>

However, although the Committee's assessment and calculations would have led to the determination of a rent lower than the passing rent, the Committee decided there was no real justification for reducing the rent payable, so determined it at £350 per calendar month.

The Committee took note of the advice from Goadsby & Harding that the rental value might be in the region of £650 per month but found that this was merely indicative and given without inspection on the assumption that the property was in good condition throughout and to a modern specification, both critical factors if a property is to achieve a higher market rent. Further the Committee found that, as seen, the property could not reasonably be expected to let on the open market without major works of renovation unless let on special terms.

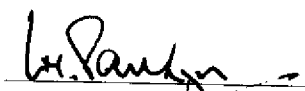
The Committee also considered it unfortunate that the landlord and tenant had apparently not liaised more closely over the works carried out by the tenant.

## **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 £350 per calendar month

This rent will take effect from 20 March 2003 being the date specified by the landlord in the notice of increase.

Chairman



Dated

 28th April 2003

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.