

(Panel Name) Rent Assessment Panel

File Ref No.

LON/00AP/MDR/  
2006/0020

**Notice of the Rent Assessment Committee Decision and  
Register of Rents under Assured Shorthold Tenancies  
(Section 22 Determination)**

Housing Act 1988 Section 22

**Address of Premises**

67 GOSPATRICK ROAD,  
LONDON, N17 7EH

**The Committee members were**

Mr T Powell  
Mr L Jarero BSc FRICS  
Mrs L West JP MBA

**Landlord  
Address**

Mr Danane Smith  
34 Summerhill Road, London, N15 4JH

**Tenant**

Ms Karen Fernandes

1. The rent is: 220.00 Per week (excluding water rates and council tax  
but including any amounts in paras 3&4)

2. The date the decision takes effect is: 17 January 2007

\*3. The amount included for services is not  
applicable

Per

4. Date assured tenancy commenced

17 June 2006

5. Length of the term or rental period

6 months

6. Allocation of liability for repairs

Section 11 applies;  
tenant responsible for  
internal decorations

7. Furniture provided by landlord or superior landlord

Carpets and curtains, 2 sofas, table and chairs, 2 wardrobes, 3 dressing  
tables, 2 bedside cabinets.

**8. Description of premises**

2-storey terraced house comprising 4 rooms, kitchen, bathroom/WC, gas central heating, gardens front and rear.

**Chairman**

T Powell

**Date of Decision**

17 January 2007

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

### **Address of Premises**

67 Gospatrick Road  
Tottenham  
London  
N17 7EH

### **The Committee members were**

Mr T Powell  
Mr L Jarero BSc FRICS  
Mrs L West JP MBA

### **1. Background**

On 18 November 2006 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 17 June 2006 for a term of 6 months and the tenant is now holding over under a statutory periodic tenancy.

The current rent is £310 per week.

### **2. Inspection**

The Committee inspected the property on 17 January 2007 and found it to be in good condition.

### **3. Evidence**

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

A hearing was held at Alfred Place on 17 January 2007 in Room G at which oral representations were made by the landlord. The tenant was not present or represented.

### **4. The law**

In accordance with the terms of section 22(3) 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 the assured shorthold tenancy. However the Committee may not make such a determination unless it considers -

- (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.

Section 22(5) provides that for the purposes of this section "rent" includes amongst other things any sums payable to the landlord by the tenant in respect of council tax.<sup>2</sup>

Section 22(5) provides that for the purposes of section 22 "rent" does not include a "service charge" within the meaning of section 18 Landlord and Tenant Act 1985 (i.e. where the service charge payable by the tenant is variable from time to time according to the relevant costs). However it does include a "fixed" service charge.

## **5. The decision**

The Committee concluded that the requirements of section 22(3) are satisfied. In coming to its decision the Committee had regard to the evidence supplied by the tenant and the members' own general knowledge of market rent levels in the area of Tottenham. Having done so the Committee determined that the rent at which it considers that the subject property might reasonably be expected to be let under the assured shorthold tenancy is £220 per week.

This rent will take effect from 17 January 2007 being a date not earlier than the date of the application.

Chairman        T Powell

Dated            17 January 2007

---

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 28 days from the date of issue of this document.

---

<sup>1</sup> Since 28 February 1997 an assured shorthold tenancy can be fixed term or periodic from the outset. If a fixed term tenancy of less than six months is followed by a statutory periodic tenancy a section 22 application can still be made provided six months have not passed since the original fixed term commenced. Thus all options are catered for by this draft.

<sup>2</sup> This will be relevant in the case of houses in multiple occupation where liability for the council tax falls on the landlord but is (proportionately) passed on to the tenant.