

Rent Assessment Committee: Summary reasons for decision.

Housing Act 1988

Address of Premises

89 Knighton Church Road
South Knighton
Leicester
LE2 3JN

The Committee members were

J.K. McLauchlan
J. Ravenhill
B. Granger

1. Background

On 30.01.2003 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 25.11.2002 for a term of six months. The current rent is £ 750 per month.

2. Inspection

The Committee inspected the property on 15.04.2003 and found it to be in good/fair/~~poor~~ condition.* In particular the Committee noted that the kitchen and bathroom fittings were below [Brief description of condition] standard in that the bath was unsuitable for a shower and one element in the hob did not function. The work surface in the kitchen was unsuitable. There was only one WC.
~~The following qualifying tenant's improvements had been made to the property:~~ and no off street car parking

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

~~The following services are provided for the tenant.~~

3. Evidence

The committee received written representations from the landlord/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 at on in at
which oral representations were made by/on behalf of* the landlord and/tenant.* The landlord/tenant*
was not present or represented.*~~

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

4. The law

In accordance with the terms of section 22 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 shorthold tenancy. However the Committee may not make such a determination unless they consider under section 22(3) (a) & (B):

(3) Where an application is made to a rent assessment committee under subsection 1 with respect to the rent under an assured shorthold tenancy, the committee shall not make such a determination as is referred to in that subsection unless they consider-

- (a) that there is a sufficient number of similar dwelling-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' members' own general knowledge of market rent levels in the area of ~~Knighthelm~~ ^{and the} and concluded that an appropriate market rent for the property would be ~~£6.50~~ ^{£6.50} per month.

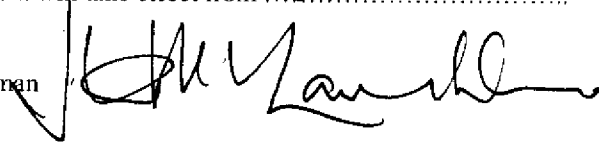
5. The decision

The Committee therefore concluded that the conditions of section 22(3) are satisfied and determined that the rent at which the property might reasonably be expected to be let on the open market would be

£650 Per month ~~inclusive of services~~

This rent will take effect from 30.01.2003

Chairman



Dated 28 APR 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.

Ref: BIR/00FN/MDR/2003/0002

RENT ASSESSMENT COMMITTEE REASONS FOR

89 Knighton Church Road Leicester LE2 3JN

Background:

The Landlord of this property is Mr. Stephen Charles Parker. The property is let by him under an Assured Shorthold Tenancy to Dr. Sebastian Hsueh-Ping Chang and Miss Penelope Ruth Goodwin on the 25th. November 2002 for a term of six months at a rent of £750.00 per calendar month.

By a Notice dated the 30th. January 2003 the Tenants have applied to the Rent Assessment Committee for a Determination under s22 of the Housing Act 1988.

The Subject Property:

This house is a semi-detached two storey dwelling with an attic. There are three reception rooms a kitchen and utility area on the ground floor. There are three bedrooms a bathroom and a W.C. on the first floor.

Inspection:

By appointment the Committee attended the property on the 15th. April 2003 and carried out their inspection in the presence of both Miss Goodwin and Dr. Hsueh-Ping.

They found the property generally to be in a fair state of repair and decoration. In particular the Committee noted that the kitchen and bathroom fittings were below standard in that the bath was unsuitable for a shower and one element on the hob did not function. The work surface in the kitchen was unhygienic. There was only one W.C. in the house. There was no off street car parking. There was no emersion heater. There was no heating to the attic room.

Written Representations:-

Neither party had requested a hearing.

There is a statement by Miss Goodwin setting out a long list of items of disrepair that were still outstanding as at the 10th. March 2003. Exhibited to this statement are copies of notices from the Leicester City Council with regard to the state of the bath and other matters. Miss Goodwin states that the next door house, of basically similar structure but with 2 toilets, is on offer at £695 p.c.m.. She states that a fair rent for the subject property would be £600.

There are two statements from the Landlord's agent. In the first he states that the property was initially offered to let at £800 p.c.m. without success, but when the rent was reduced to £750 there was interest from two parties of whom one was the current tenants. He claims that no reports of repair have been ignored by the Landlord but he does acknowledge that the re-enamelling of the bath has been delayed. In his second he states that none of the contractors have been able to access the property without being accompanied by the Tenants at a time that suits them and that it is this situation that has caused the delays in carrying out repairs. Further he mentions that there

was another interested party who was willing to pay a rent of £750 which he considers to a fair rent.

The Law:-

In accordance with the terms of s22 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 shorthold tenancy. However the Committee may not make such a determination unless they consider under s22(3) (a) & (b):

(3) Where an application is made to a rent assessment committee under subsection 1 with respect to the rent under an assured shorthold tenancy, the committee shall not make such a determination as is referred to in that subsection unless they consider:-

- (a) that there is a sufficient number of similar dwelling-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 in the locality.

Determination:-

The Committee were satisfied that there were a sufficient number of similar dwelling houses in the locality let on assured tenancies (whether shorthold or not).

They then had to consider whether the rent payable under the shorthold tenancy in question was 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 in the locality.

The Committee considered carefully the documents tendered by the parties and in particular they had regard to the copies of the letters sent to the Landlord from the Environmental Health Officer of the Leicester City Council with regard to the state of repair of the property. They also took into account the view they took upon their inspection of the property.

The final question is "is the rent payable under the agreement significantly more than the Committee's view of the market rent for the subject property."

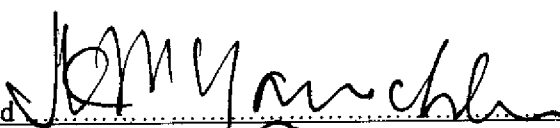
The Committee found upon their inspection that the kitchen and bathroom fittings were below the standard that a tenant would expect for such a property at the rent required by this landlord. The bath was unsuitable for a shower. The supply of hot water was inadequate. One element on the hob in the kitchen did not function. The working surface in the kitchen was probably a health hazard. The Committee were surprised that these matters had not been addressed before the property had been put on the market for letting, particularly as the property was under professional management. There was no off street parking. There was no heating in the attic and only one W.C. for what both parties agree is a family house. The Committee were assisted by the knowledge that the house next door was on offer at £695 p.c.m..

Despite the Landlord's agent's protestations in his written representations, the fact of the matter is that this property does not come up to the standard that would command a rent of £750.00 per calendar month.

Taking the figure of £695 as a benchmark and making appropriate discounts for the matters referred to above and drawing upon the Committee members' own general knowledge of market rent levels in the area of Knighton in the City of Leicester, the Committee concluded that an appropriate market rent for the property would be £650 per month.

The Decision:-

The Committee therefore concluded that the conditions of s22(3) are satisfied and determined that the rent at which the property might reasonably be let on the open market would be £650.00 per calendar month. This rent would take effect from 30th January 2003.

Signed  Chairman
JOHN K. McLAUCHLAN

Dated **26 JUN 2003**

Midlands Rent Assessment Panel
Clerk to the Panel Mark Deakin