

**Rent Assessment Committee: Reasons for decision.
Housing Act 1988**

Address of Premises

46 Queens Road
Parkstone
Poole
Dorset BH14 9HG

The Committee members were

M J Greenleaves Chairman
J D Bunkall FRICS

Background

1. On 8th March 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.
2. The landlord's notice, which proposed a rent of £750 per calendar month with effect from 1st April 2005 is dated 28th February 2004, but it was accepted by all parties that such date was merely a typographical error and intended to be 28th February 2005. The Committee accordingly found the notice to be a valid notice.
3. The Committee was required under Section 14 of the Housing Act 1988 to determine the rent at which it considered that the property might reasonably be expected to be let in the open market by a willing landlord under an assured tenancy on the basis set out in that Section
4. The tenancy is a periodic tenancy which commenced in December 1996. The current rent is £300 per calendar month

Inspection

5. The Committee inspected the property on 6th April 2005 and found it to be in good condition for its age and character.
6. The property, in an established residential area, is a detached house built in the early 20th Century, comprising two living rooms and kitchen on the ground floor and three rooms and bathroom/WC on the first floor. The windows are double-glazed throughout; there is full gas central heating and a modern kitchen. The property is well maintained internally and externally, although there was some evidence of previous dampness around the chimney breast in one bedroom upstairs. The bathroom fittings pre-date the tenancy but are in reasonable condition. There is a modern garage and front and rear garden.
7. In 1991/92 the Tenant, before he became Tenant, had carried out substantial improvements to the property as set out in the Schedule in the Committee's papers.

Since December 1996, the Tenant had built in two wardrobes and removed the chimney to cure the damp problem; he had also cleared the garden and built a patio.

Evidence

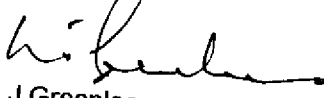
8. The Committee received written representations from the landlord and Tenant and these were copied to the parties. The Committee noted that in December 2004 Goadsby & Harding were offering 3 bedroom properties in Parkstone for letting at £750-£775 per month, although this did not necessarily indicate the rental achieved.
9. A hearing was held on 6th April 2005 at which oral representations were made by the Landlords and the Tenant. So far as material to the issue of the market rental of the property, the evidence was as follows:
 - a) The Tenant referred to the improvements he had carried out as noted above. He said he would not be surprised by a market rental of £700 to £750 per month but was concerned about it being increased to that extent in one step.
 - b) The Landlords gave evidence which, to some extent, showed differences between themselves. It was said by one that this was only a two bedroom property as the third upstairs room contained much of the previous landlord's furniture and was therefore unusable. It was accepted that the Tenant was entitled to use that room if he wished and the furniture could be removed. In 2001 the previous landlord was receiving rent of £550 per month for a semi-detached property in Mansfield Road, Parkstone. It was also contended that in 2001 the previous landlord had intended to receive rent for the subject property of £600 per month.

The law

10. 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.
11. 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. By virtue of Section 14(2) the Committee was unable to disregard the improvements carried out prior to commencement of the tenancy. The Committee found that the work carried out by the Tenant during the tenancy as referred to above did not have a significant effect on the market rental of the property.
12. In coming to its decision the Committee had regard to the evidence supplied by the parties and the Committee's own general knowledge of market rent levels in the area of Parkstone and Branksome and concluded that an appropriate market rent for the property would be £750 per calendar month.

The decision

13. The Committee therefore concluded that the rent at which the property might reasonably be expected to be let on the open market would be £750 per month.
14. There being no evidence of hardship on the Tenant, this rent will take effect from 1st April 2005 being the date specified by the Landlords in the notice of increase.


M J Greenleaves
Chairman

Dated 8th April 2005