

**Rent Assessment Committee: Summary reasons for decision.
Rent Act 1977****Address of Premises**

3 Medway Terrace
Maidstone Road
Watlingbury
Nr Maidstone
Kent ME18 5EL

The Committee members were

Mr I W Collins FRICS IRRV (Chairman)
Mr R Athow FRICS MIRPM

1. Background

On the 27th February 2004 the landlord applied to the rent officer for registration of a fair rent of £100 per week for the above property.

The rent payable at the time of the application was £79.50 per week.

The rent was previously registered on the 25th March 2002 with effect from the 13th May 2002 following a determination by the rent officer.

On the 17th May 2004 the rent officer registered a fair rent of £88.50 per week with effect from that date.

By a letter dated 22nd May 2004 the landlord objected to the rent determined by the Rent Officer and the matter was referred to the Rent Assessment Committee.

2. Inspection

The Committee inspected the property on the 19th August 2004 and found it to be in fairly poor condition as described more particularly in the Rent Officer's survey sheet. Internal plasterwork is generally poor and whilst there are replacement PVC windows

these have not been installed well. There is no central heating and the tenant has supplied and fitted the existing kitchen units.

3. Evidence

Written representations were received from the tenant's representative (on behalf of the tenant), and also from the landlord. These representations were copied to both parties.

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

4. The law

When determining a fair rent the Committee, in accordance with the Rent Act 1977, section 70, had regard to all the circumstances including the age, location and state of repair of the property. It also disregarded the effect of (a) any relevant tenant's improvements and (b) the effect of any disrepair or other defect attributable to the tenant or any predecessor in title under the regulated tenancy, on the rental value of the property.

In *Spath Holme Ltd v Chairman of the Greater Manchester etc. Committee* (1995) 28 HLR 107 and *Curtis v London Rent Assessment Committee* [1999] QB 92 the Court of Appeal emphasised

- (a) that ordinarily a fair rent is the market rent for the property discounted for 'scarcity' (i.e. that element, if any, of the market rent, that is attributable to there being a significant shortage of similar properties in the wider locality available for letting on similar terms - other than as to rent - to that of the regulated tenancy) and
- (b) that for the purposes of determining the market rent, assured tenancy (market) rents are usually appropriate comparables. (These rents may have to be adjusted where necessary to reflect any relevant differences between those comparables and the subject property).

5. Valuation

Thus in the first instance the Committee determined what rent the landlord could reasonably be expected to obtain for the property in the open market if it were let today in the condition that is considered usual for such an open market letting. It did this by having regard to the evidence supplied by the parties and the Committee's own general knowledge of market rent levels in the area of mid Kent. Having done so it concluded that such a likely market rent would be £140 per week.

However, the actual property is not in the condition considered usual for a modern letting at a market rent. Therefore it was first necessary to adjust that hypothetical rent of £140 per week to allow for the differences between the condition considered usual for such a letting and the condition of the actual property as observed by the Committee (disregarding the effect of any disrepair or other defect attributable to the tenant or any predecessor in title). The Committee considered that this required a total deduction of £35 per week, being £10 in respect of external condition and decoration, £10 for internal repairs and condition and £15 in respect of the lack of full central heating.

Furthermore, to allow for the tenant's obligations and improvements (listed above) it was necessary to make a further total deduction of £17 per week, being £10 in respect of white goods, and £7 for kitchen fittings.

The Committee did not consider that there was any substantial scarcity element and accordingly no further deduction was made for scarcity.

This leaves a net market rent for the subject property of £88 per week.

6. Decision

The fair rent initially determined by the Committee, for the purposes of section 70, was accordingly £88 per week.

The section 70 fair rent determined by the Committee is below the maximum fair rent permitted by the Rent Acts (Maximum Fair Rent) Order 1999 and accordingly that rent limit has no effect. Details are provided on the back of the decision form.

Accordingly the sum of £88 per week will be registered/confirmed as the fair rent with effect from the 19th August 2004 being the date of the Committee's decision.

A handwritten signature in black ink, appearing to read 'I W Collins', written over a horizontal line.

Signed

Mr I W Collins FRICS IRRV

Chairman

Dated 19th August 2004

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 at the Panel Office which must be made within 21 days from the date of issue of this document.