

Rent Assessment Committee: Summary reasons for decision. Rent Act 1977

Address of Premises

1 School Hill
Burwash
East Sussex
TN19 7EA

The Committee members were

Mr P B Langford MA LLB, Chairman
Mr M G Marshall FRICS

1. Background

On 15th August 2003 the landlord applied to the rent officer for registration of a fair rent of £700 per month for the above property.

The rent payable at the time of the application was £4097 per annum

The rent was previously registered on 5th January 2000 with effect from 17th December 1999 at £4097 per annum following a determination by a rent assessment committee.

On 26 September 2003 the rent officer registered a fair rent of £90 per week with effect from that date.

By a letter undated but received on 8 October 2003 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 15th December 2003 and found it to be in good condition as described more particularly in the Rent Officer's survey sheet, which had been copied to the parties.

3. Evidence

The Committee received written representations from the landlord and these were copied to the tenant.

No written representations were received from the tenant.

A hearing was held on 15th December 2003 in the property at which oral representations were made by the landlord. The tenant was not present or represented.

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 emphasized

- (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 Burwash and the surrounding villages in North East Sussex. Having done so it concluded that such a likely market rent would be £600 per month.

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 £600 per month 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 deduction of £45.00 per calendar month.

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 £555 per calendar month, (£128.07 per week, say £128 per week).

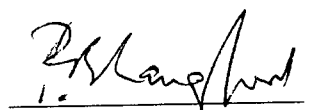
6. Decision

The fair rent initially determined by the Committee, for the purposes of section 70, was accordingly £128 per week.

The fair rent to be registered is not limited by the Rent Acts (Maximum Fair Rent) Order 1999 because by virtue of landlord's repairs and/or improvements since the previous registration the rent determined/confirmed by the Committee exceeds by at least 15% the previous registered rent.

Accordingly the sum of £128 per week will be registered as the fair rent with effect from 15th December being the date of the Committee's decision.

Chairman


Mr P B Langford MA LLB

Dated

31st December 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 at the Panel Office, which must be made within 21 days from the date of issue of this document.