

Rent Assessment Committee: Summary reasons for decision.
Housing Act 1988

Address of Premises

127 Castle Road
Castle Gresley
Swadlincote
Derbyshire
DE11 9LJ

The Committee members were

Miss N. F. Jackson
Mr. K. Bloor FRICS
Mrs A. Bartram

1. Background

On1/12/03..... 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.

The landlord's notice, which proposed a rent of £..60.....per.....week..... with effect from29/12/03... is dated ...25/11/03

The tenancy commenced on for a term ofmonths/years. The tenant remains in occupation as a statutory periodic tenant. The current rent is £..... per

The tenancy is a periodic tenancy which commenced on ...1/10/95..... The current rent is £..50..... per.....week.....

The tenancy is a statutory periodic tenancy by succession which arose on the death of the former tenant. The rent payable is £...50..... perweek.....

sket

2. Inspection

The Committee inspected the property on ...17/2/04... and found it to be in ^{satisfactory} ~~good/fair/poor~~ condition.*

[Brief description of condition]

Property lacks space heating; updating of kitchen required; metal window frames.

The following qualifying tenant's improvements had been made to the property.*

Minimal improvements

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 and/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 atonin..... 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.....onin.....but neither party attended.**

4. The law

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.

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.

In coming to its decision the Committee had regard to the evidence supplied by the parties/and the members' own general knowledge of market rent levels in the area of Builton Trent and concluded that an appropriate market rent for the property would be £...60.....per week/~~fortnight/month/quarter~~.**

Note: the Committee may want to indicate here any particularly compelling market rental evidence on which it relied.

5. The decision

The Committee therefore concluded that the rent at which the property might reasonably be expected to be let on the open market would be £...60..... per week/~~fortnight/month/quarter~~ /inclusive ofin respect of services.*

*This rent will take effect from 29/12/03..... being the date specified by the landlord in the notice of increase.**

~~This rent will take effect from the committee being satisfied that undue hardship would otherwise be caused to the tenant.*~~

~~It should be noted that the tenancy contains a variable service charge within the meaning of section 18 of the Landlord and Tenant Act 1985. It follows that in accordance with Housing Act 1988, section 14(4) the rent determined by the Committee for the purposes of this application is exclusive of that service charge which will therefore be recoverable in addition to the rent determined.~~

Chairman N Jackson

Dated 17/2/04

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.