

**Rent Assessment Committee: Summary reasons for decision.****Housing Act 1988****Address of Premises**

Flat D  
43 Tavistock Road  
London  
W11 1AR

**The Committee members were**

Mrs T J Gordon  
Miss M Krisko BSc (Est Man)  
Mr O N Miller BSc

**1. Background**

On 24 September 2004 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 £63.91 per week with effect from 18 October 2004 is dated 16 September 2004.

The tenancy is a periodic tenancy which commenced on 11 October 1999. The current rent is £59.93 per week.

**2. Inspection**

The Committee inspected the property on 19 November 2004 and found it to be in poor condition.

**3. Evidence**

The committee received written representations from the tenant and these were copied to the parties. No written representations were received from the landlord.

A hearing was held at 10 Alfred Place on 19 November 2004 at which oral representations were made by and on behalf of the tenant. The landlord was not present or represented.

**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 Westbourne Park and concluded that an appropriate market rent for the property would be £60.50 per week.

## **5. The decision**

The Committee therefore determined the rent at £60.50 per week.

This rent will take effect from 19 November 2004 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: Tessa Gordon

Dated: 19 November 2004

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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 written request to the committee clerk which must be made within 28 days from the date of issue of this document.

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