

Eastern Rent Assessment Panel
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REASONS FOR DECISION OF RENT ASSESSMENT COMMITTEE

Reasons requested by Landlord/Tenant under section 10 of the Tribunals and Enquiries Act 1992 and Regulation 10a of the Rent Assessment Committees (England and Wales) Regulations 1971.

SUMMARY

PROPERTY: Stable Flat, Lawford Hall, Manningtree, Essex CO11 2JX
Ref. No. CAM/22UN/MNR/2006/0088

Date of Decision: 17 November 2006

Landlord: Bochol Investment Ltd of Guernsey (agents, Monkhouse & Bannister)
Tenant: Mr J S Fink

Rent at date of Landlord's Notice: £560.00 per calendar month
Rent determined by Committee: £700.00 p.c.m.
Date new terms and rent take effect: 16 December 2006

MEMBERS OF THE COMMITTEE:

Mr G M Jones – Chairman
Mr J R Humphreys FRICS
Mr A J Jackson JP

1. THE PREMISES

- 1.1 This property is a substantial first floor flat comprising living room with small study off; large dining kitchen with very smart kitchen area; huge double bedroom with en suite bathroom; and second bathroom. The property, which is an attractive conversion of the hayloft above a carriage house and stable block, was renovated, modernised and extended in 1999. The layout is unusual, as it was arranged to the tenant's specification. The tenant uses an adjacent area of ground as a garden under an informal arrangement with the landlord. The flat is located in a most attractive setting in the grounds of a large country house. Upon inspection the structure and interior of the building was found to be in good order throughout.

2. THE TENANCY TERMS

- 2.1 The property in its original form was let to the tenant in 1982. A formal tenancy agreement was entered into with effect from 1 September 1999, following the works carried out that year. The Landlord & Tenant Act 1985 s.11 applies, so that the landlord is responsible for the exterior of the building and for the provision and maintenance of the installations for the supply of services ie water, drainage (including foul water drainage), electricity and gas, space heating and water heating. The tenant has not formally undertaken responsibility for internal decorations.

3. **THE APPEAL**

- 3.1 By letter dated 25 September 2006 the landlord proposed a rent increase from £560.00 p.c.m. (set in February 2003) to £630.00 pc.m.. The tenant duly referred the matter to the Rent Assessment Committee.

4. **THE PARTIES' RESPECTIVE CASES**

- 4.1 See written representations on file. The Committee received substantial written representations from both parties, to which very little of substance was added during the brief hearing. The Committee found the tenant's schematic floor plan (with dimensions) most helpful.

5. **THE LAW**

Section 14 applications

- 5.1 In general terms, the task of the Committee under the provisions of section 14 of the Housing Act 1988 is to determine the rent at which the dwelling-house concerned might reasonably be expected to be let in the open market by a willing landlord. It follows that the personal circumstances of the parties are irrelevant and the Committee cannot take them into account.
- 5.2 The Committee must disregard any effect on the rent attributable to the granting of a tenancy to a sitting tenant, any increase in value attributable to "relevant" tenants' improvements and any reduction in value attributable to a failure by the tenant to comply with any terms of the tenancy. Full Reasons (if requested) will set out the relevant legal principles in detail.

6. **THE DECISION**

- 6.1 This is an unusual property for which no direct comparable was available. Because of the unusual layout, it would not suit many tenants. Nevertheless, it is a very attractive property in a desirable location and would, in the view of the Committee, attract strong interest from a significant group of prospective tenants looking for a somewhat Bohemian dwelling of style and character. The Manningtree area is an area of fairly high rental values. Using the knowledge and experience of its members, supplemented by the limited comparable evidence available, the Committee concludes that the open market rental value of the flat is £700.00 p.c.m. The Committee understands, however, that the landlord's intention is to charge £630.00 p.c.m. until December 2007, when the rent is to be increased to £700.00 pc.m.



Geraint M Jones MA LLM (Cantab)
Chairman

Note: This is a summary of the Committee's reasons for its decision. Should you require more detailed reasons, they can be supplied but only if a written request is received by the Panel Office within 21 days from receipt of this document. The papers will then be returned to the Chair for such detailed reasons to be prepared.