

## **EASTERN RENT ASSESSMENT PANEL**

### **SUMMARY STATEMENT OF REASONS FOR THE DECISION OF THE COMMITTEE WHICH MET ON 9 OCTOBER 2006 TO DETERMINE A FAIR RENT IN RESPECT OF 37 HALLS LANE, WALTHAM ST LAWRENCE, READING, BERKSHIRE, RG10 0JD**

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<b>Landlord:</b>	B E C Smith	
<b>Tenant:</b>	Mr B Woodford	
<b>Rent at Date of Application:</b>	£85.50 per week	
<b>Rent Proposed by Landlord:</b>	£700 per calendar month	
<b>Rent Determined by Committee:</b>	£722.50 per calendar month	
<b>Members of the Committee:</b>	Mrs M Auld LLB Mrs S Redmond BSc Econ MRICS Mr Adarsh K Kapur	Chairman Valuer Lay Member

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**THE PREMISES:** The Committee inspected the property in the presence of the Tenant and Landlord and found it to be in good condition as described more particularly in the Rent Officer's survey sheet dated 26 April 2006 which had been copied to the parties. The property is situated in an attractive rural location but there are no services nearby.

**THE TENANCY:** The Landlord is responsible for repairs and external decorations. The tenant is responsible for internal decorations. The allocation of liability for repairs is subject to Section 11 of the Landlord and Tenant Act 1985.

Following the tenant's redundancy in Autumn 2005, he agreed to relocate to this property which the landlord stated was in a fairly basic condition on the basis that the Landlord had agreed to improve it, to a standard "like for like" in view of the Tenant's improvements to their previous rented property owned by the Landlord.

As a result of these works, the capping provisions of the Rent Acts (Maximum Fair Rent) Order 1999 do not apply. In the Committee's view there could have been a breach of contract which would sound in damages i.e. the difference between the capped rent and the uncapped rent. The Committee does not have the power to consider this. It falls within the jurisdiction of the County Court to which the Tenant would have to take the case.

**THE LAW APPLIED:** Rent Act 1977 Section 70.

OPEN MARKET RENT: The Committee taking into account the evidence and the Committee member's knowledge and experience, decided at £900 per calendar month for a similar property in good condition with modern facilities.

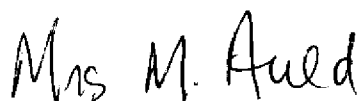
COMMITTEE'S CALCULATIONS:

Open market rent	£900 per calendar month
Less deduction for difference in tenancy terms	£50 per calendar month
Open Market for subject property	£850 per calendar month
less scarcity at about 15%	£127 per calendar month
Fair Rent	£722.50 per calendar month

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

Accordingly, the sum of £722.50 per calendar month will be registered as the fair rent with effect from 9 November 2006 being the date of the Committee's decision.

Mrs M Auld  
Chairman



Important 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 for such reasons is received by the Panel Office within 21 days from the receipt of this document. The papers will then be returned to the Chair for such detailed reasons to be prepared.

Caution: For the purpose of reaching a decision the Committee inspected the subject properties. Such inspection is not a structural survey and only takes a few minutes. Any comments about the condition of the properties in this Statement of Reasons are made as a result of casual observation rather than a detailed inspection. Please do not rely upon such comments as a guide to the structural condition of the properties.

JG