

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

8 Regal Court,  
Saltash,  
Cornwall PL12 6JY

**The Committee members were**

D G Willis (Chairman)  
E R Distin FRICS  
P G Groves

**1. Background**

On 18th May 2005 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 £475.00 per calendar month with effect from 4<sup>th</sup> October 2005 is dated 4<sup>th</sup> April 2005.

The tenancy commenced on 4<sup>th</sup> October 1989 for a term of one year. The tenant remains in occupation as a statutory periodic tenant. The current rent is £350.00 per calendar month.

**2. Inspection**

The Committee inspected the property on 13<sup>th</sup> July 2005 and found it to be in fair condition, however the access to the property is difficult at present due to the continuing building works. Temporary access is currently in use. The current ongoing building works have severely effected the quiet enjoyment of the premises.

The following qualifying tenant's improvements had been made to the property.  
Installation of shower, kitchen units, night storage heaters and wood stripped floors as previously mentioned.

The following services are provided for the tenant.

None

### **3. Evidence**

The committee received written representations from the landlord and tenant and these were copied to the parties. Neither party requested a hearing.

### **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 Caradon and concluded that an appropriate market rent for the property would be £475.00 per month. However, with the current situation regarding ongoing works and the diminution of the amenities and to include an allowance for the tenant's improvements the Committee are of the view that a deduction of £125.00 per month is necessary to reflect the disruption to the tenant.

## 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 £350.00 per month.

This rent will take effect from 4<sup>th</sup> October 2005 being the date specified by the landlord in the notice of increase.

Chairman



D G Willis

Dated 13<sup>th</sup> July 2005

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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 request to the committee clerk which must be made within 21 days from the date of issue of this document.

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Installation of shower, kitchen units, night storage heaters and wood stripped floors as previously mentioned.

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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 Caradon and concluded that an appropriate market rent for the property would be £475.00 per month. However, with the current situation regarding ongoing works and the diminution of the amenities and to include an allowance for the tenant's improvements the Committee are of the view that a deduction of £125.00 per month is necessary to reflect the disruption to the tenant.

**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 £350.00 per month.

This rent will take effect from 4<sup>th</sup> October 2005 being the date specified by the landlord in the notice of increase.

Chairman

  
D G Willis

Dated 13<sup>th</sup> July 2005

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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 request to the committee clerk which must be made within 21 days from the date of issue of this document.

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

8 Regal Court  
Saltash  
Cornwall  
PL12 6JY

**The Committee members were**

D G Willis (Chairman)  
E R Distin FRICS  
P G Groves

**1. Background**

On 18 May 2005 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 £475.00 per calendar month with effect from 4 October 2005 is dated 4 April 2005.

The tenancy commenced on 4 October 1989 for a term of one year. The tenant remains in occupation as a statutory periodic tenant. The current rent is £350.00 per calendar month.

**2. Inspection**

The Committee inspected the property on 13 July 2005.

It is situated just off the main street of Saltash and is part of a block development with commercial properties on the ground floor and residential units above.

This property is on the first and second floors immediately above a fish and chip shop and restaurant.

On the inspection date extensive works were being carried out which necessitated access to the property being obtained by means of a temporary access.

These works which include the construction of a balcony on all floors and an additional floor to the block, are to continue for a considerable further period. Throughout the duration of these works there has been much disruption to the quiet enjoyment of the premises and a great deal of inconvenience.

From what the committee could see of the exterior it appeared to be in a reasonable condition. The interior was in good condition.

On the first floor is the sitting room and kitchen, and on the second floor is the bathroom/wc and the two bedrooms.

Since the start of the tenancy the tenant has installed various kitchen units in addition to the sink and small worktop provided by the landlord. In addition the tenant has installed a shower and night storage heaters, replaced the immersion heater, carried out various electrical works, and laid wood stripped floors.

The bath was substandard and in need of re-surfacing or replacement.

The landlord has replaced the original wooden windows with double glazed units.

The premises lacks central heating which is considered to be a basic requirement in a present day letting. Further, no carpets had been provided by the landlord.

The committee considered the stairs giving access to these premises and also to No 9 were narrow and consequently dangerous and possibly not built in accordance with modern safety requirements and regulations.

### **3. Evidence**

The committee received written representations from the landlord and tenant and these were copied to the parties. Neither party requested a hearing.



#### **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.

Although the landlord's notice of increase of rent dated 4 April 2005 provided for the proposed rent to come into effect on 4 October 2005 the committee are obliged to consider the rent of the premises at the date of inspection, and cannot determine the rent for a period commencing months ahead or when current building works have been completed.

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 Caradon and concluded that an appropriate market rent for the property would be £475.00 per month.

However, the tenant is obliged under the terms of the Tenancy Agreement dated 4 October 1989 to look after the interior of the premises. The committee noted there were 5 rooms and a hall and considered an allowance of £30.00 per month be made in respect of these obligations.

The tenant has carried out various improvements to the premises as previously detailed and a further allowance of £40.00 per month should be made in respect of them.

A deduction of £35.00 per month should be made for the lack of central heating and for disrepair, and a further deduction of £20.00 per month for the lack of quiet

enjoyment, disruption and inconvenience during the long period of extensive building works.

These allowances and deductions total £125.00 per month.

**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 £350.00 per month.

This rent will take effect from 4 October 2005 being the date specified by the landlord in the notice of increase.

Chairman



D G WILLIS

Dated

24th August 2005