

Rent Assessment Committee: Summary reasons for decision.

Housing Act 1988

Address of Premises

Flat 4, 47 London Road
Cheltenham
GL52 6HE

The Committee members were

Mr I Perry BSc FRICS
Mr P Smith FRICS

1. Background

On 22 October 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 £550 per month with effect from 22 November 2004, is dated 6 October 2004.

The tenancy is a periodic tenancy which commenced on 22 September 1993. The current rent is £350 per month.

2. Inspection

The Committee inspected the property on 14 December 2004 and found it to be in poor condition.

It is situated on the first floor of a semi-detached building containing 5 flats. The accommodation includes a shared hall and stairway giving access to a self-contained flat with hall, living room, bedroom, boxroom, kitchen, wc and bathroom all on one level.

There is a single car space and no garden. Kitchen fittings are basic and the only heating is from a single gas fire.

There is considerable damp penetration, particularly in the hall, boxroom and bathroom, missing plaster in the kitchen and poor ventilation.

On the date of inspection, emergency repairs were being carried out to the living room floor, due to dry rot, which rendered this room temporarily unusable.

The penetrating dampness made the boxroom uninhabitable and tenants' decorations were difficult to maintain throughout due to poor and damaged plaster and damp penetration.

3. Evidence

The committee received written representations from the landlord and tenant and these were copied to the parties.

A hearing was held at Cheltenham Town Hall .on 14 December 2004 at which oral representations were made by and on behalf of the landlord and tenant.

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 Cheltenham and concluded that an appropriate market rent for the property would be £300 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 £300 per month.

This rent will take effect from 22 November 2004 being the date specified by the landlord in the notice of increase.

Chairman Mr I R Perry BSc (Est Man) FRICS

Dated 22nd December 2004

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.