Rent Assessment Committee: Summary reasons for decision.

9 Lighthorne Road Solihull B91 2BD In Committee members were Mr Martin Mr Satchwell Mrs Jukes 1. Background	Address of Premises	_
I. Background On. On the oil the landlord/tenant applied to the rent officer for registration of a fair rent of £.42 per	9 Lighthorne Road	The Committee members were
1. Background On. On the landlord/tenant applied to the rent officer for registration of a fair rent of £. 9.2		Wir Martin
On. On the landlord/tenant applied to the rent officer for registration of a fair rent of £. I. per week for the above property. Note: The period of the rental payments under the tenancy (e.g. weekly, monthly) should be inserted expressly above and where appropriate below. The rent payable at the time of the application was £. per week. The rent was previously registered on \$\frac{1}{2} \cdot 0 \cdot 0 \cdot \text{with effect} from \$\frac{1}{2} \cdot 0 \cdot 2 \cdot 1 \text{the same date} at £. \$\frac{1}{2} \cdot 0 \cdot 0 \cdot \text{with effect} following a determination by the rent officer/access as some recommittee. Note: (1) Insert effective date when different from that of registration. (2) The date of registration is useful for capping purposes when it is necessary to know the date of the previous registration. (3) The whole of the above sentence can be deleted in those rare cases of first registration. On \$\frac{20.05.04}{10000}\$ the rent officer registered a fair rent of £. \$\frac{80}{2}\$ per week / including £. in respect of services/(services) and the rent of first registered in the period of the period	B91 2BD	Mr Satchwell
On. Oh. Oh. Oh. Oh. the landlord/tenant applied to the rent officer for registration of a fair rent of £. 12 per		Mrs Jukes
Note: The period of the rental payments under the tenancy (e.g. weekly, monthly) should be inserted expressly above and where appropriate below. The rent payable at the time of the application was £	1. Background	
Note: The period of the rental payments under the tenancy (e.g. weekly, monthly) should be inserted expressly above and where appropriate below. The rent payable at the time of the application was £	On Ob ou the landlord/tenan	nt applied to the rent officer for registration of a
The rent payable at the time of the application was £	for the of the first per week for	or the above property.
The rent was previously registered on \$\frac{3.05.02}{.05.02}\$ with effect from \$\frac{08.07.02}{.05.02}\$ /the same date at £ \$\frac{7}{.05.02}\$ per \$\frac{1.05.02}{.05.02}\$ following a determination by the rent officer/accent assessment committee. Note: (1) Insert effective date when different from that of registration. (2) The date of registration is useful for capping purposes when it is necessary to know the date of the previous registration. (3) The whole of the above sentence can be deleted in those rare cases of first registration. On \$\frac{20.05.04}{.05.04}\$ the rent officer registered a fair rent of £ \$\frac{80}{.05.04}\$ per week / including £ \$\frac{1.05.04}{.05.04}\$ in respect of services / (100.05.04) and \$\frac{80}{.05.04}\$ per week / including £ \$\frac{1.05.05.04}{.05.05.04}\$ per week / including £ \$\frac{1.05.05.04}{.05.05.05.05}\$ per \$\frac{1.05.05.04}{.05.05.05}\$ per \$\frac{1.05.05.04}{.05.05.05}\$ per \$\frac{1.05.05.04}{.05.05.05}\$ per \$\frac{1.05.05.04}{.05.05.05}\$ per \$\frac{1.05.05.05.04}{.05.05.05}\$ per \$\frac{1.05.05.05.05}{.05.05.05}\$ per \$\frac{1.05.05.05.05}{.05.05.05}\$ per \$\frac{1.05.05.05.05}{.05.05.05}\$ per \$\frac{1.05.05.05.05}{.05.05.05}\$ per \$\frac{1.05.05.05.05}{.05.05.05}\$ per \$\frac{1.05.05.05}{.05.05}\$ per \$1.05.0	Note: The period of the rental payments unde	er the tenancy (e.g. world
note: (1) Insert effective date when different from that of registration. (2) The date of registration is useful for capping purposes when it is necessary to know the date of the previous registration. (3) The whole of the above sentence can be deleted in those rare cases of first registration. On 20.05.04 The rent officer registered a fair rent of £	The rent payable at the time of the applic	cation was £. 3 per. wff.
note: (1) Insert effective date when different from that of registration. (2) The date of registration is useful for capping purposes when it is necessary to know the date of the previous registration. (3) The whole of the above sentence can be deleted in those rare cases of first registration. On 20.05.04 The rent officer registered a fair rent of £	The rent was previously registered on	51.05.02 with effect
Note: (1) Insert effective date when different from that of registration. (2) The date of registration is useful for capping purposes when it is necessary to know the date of the previous registration. (3) The whole of the above sentence can be deleted in those rare cases of first registration. On 20.05.04 On the rent officer registered a fair rent of £	from 08 07 02 the same date at	f 77
registration. (3) The whole of the above sentence can be deleted in those rare cases of first registration. On 20.05.04 the rent officer registered a fair rent of £	a determination by the rent officer/afters	assessment committee.
registration. (3) The whole of the above sentence can be deleted in those rare cases of first registration. On 20.05.04 the rent officer registered a fair rent of £	Note: (1) Insert effective date when different fr	om that of registration (2) The day of
on 20.05.04 the rent officer registered a fair rent of £	to capping purposes when	n it is necessary to the control of
On 20.05.04 the rent officer registered a fair rent of £	registration. (3) The whole of the above sentence	to some health was a know the date of the previous
in respect of services/symmetry	registration.	e can be deleted in those rare cases of first
in respect of services/symmetry		
in respect of services/symmetry	On 20.05.04 the rept officer as	20
in respect of services/symmetry	week / teah-tea-	gistered a fair rent of £per
date/US.07. Ou		services/(variable) with effect from the
,	date/09.07.04	with effect from that
Note: the alternative of a variable amount for services has been added.		
By a letter dated	By a letter dated 28 05-04 the land	lands.
by the Rent Officer and the matter was referred by the Rent Officer and the matter was referred	by the Rent Officer and the motter	oravienant objected to the rent determined

by the Rent Officer and the matter was referred to the Rent Assessment Committee.

Note: this states how the matter has come before the RAC. If the letter of objection is not provided the reference to the letter of objection and date must obviously be omitted.

2. Inspection

The Committee inspected the property on......and found it to be in good/fair/poor* condition/as described more particularly in the Rent Officer's survey sheet which had been copied to the parties.

-[Brief description of state of repair here where no RO survey sheet provided].

The following tenant's improvements had been made to the property.

SNOWER EXTRACTOR FAW, REMER & TILING

The committee inspected on the same day by identical preparties in highthorne Road and therefore made an endormal inspection any

The Committee was unable to gain access at the appointed time in order to inspect the property internally and therefore made an external inspection only.

The registered rent includes a sum for the services as listed on the rent register.

3. Evidence

The Committee received written representations from the landlord and/tenant and these were copied to the parties/No written representations were received from the landlord/tenant/either party.

Neither party requested a hearing at which oral representations could be made.

A hearing was held onin....in.....in......at which oral representations were made by/on behalf of the landlord and/tenant. The landlord/tenant was not present or represented.

The date and place of hearing respectively can be inserted.

A hearing was arranged for but neither party attended.

Note: the last option is a new alternative possibility

4. The law

When determining a fair rent the Committee, in accordance with the Rent Act 1977, section 70, had regard to all the circumstances including the age, location and state of repair of the property. It also disregarded the effect of (a) any relevant tenant's improvements and (b) the effect of any disrepair or other defect attributable to the tenant or any predecessor in title under the regulated tenancy, on the rental value of the property.

In Spath Holme Ltd v Chairman of the Greater Manchester etc. Committee (1995) 28 HLR 107 and Curtis v London Rent Assessment Committee [1999] QB 92 the Court of Appeal emphasised

- (a) that ordinarily a fair rent is the market rent for the property discounted for 'scarcity' (i.e. that element, if any, of the market rent, that is attributable to there being a significant shortage of similar properties in the wider locality available for letting on similar terms - other than as to rent - to that of the regulated tenancy) and
- (b) that for the purposes of determining the market rent, assured tenancy (market) rents are usually appropriate comparables. (These rents may have to be adjusted where necessary to reflect any relevant differences between those comparables and the subject property).

5. Valuation

However, the actual property is not in the condition considered usual for a modern letting at a market rent. Therefore it was first necessary to adjust that hypothetical rent of £.150. per. week... to allow for the differences between the condition considered usual for such a letting and the condition of the actual property as observed by the Committee (disregarding the effect of any disrepair or other defect attributable to the tenant or any predecessor in title). The Committee considered that this required a deduction of £....... per. week...

Note: the wording has been revised to deal with the common case where the parties do not provide market comparables and also to permit the specification of sums in respect of (a)

differences between the condition of the real or hypothetical comparable(s) and the subject property and (b) the rental value of tenant's improvements, to be specified.

The Committee decided that the relevant differences between the subject property an
the comparable properties given in evidence were so great as to make it
inappropriate to rely on the market reptiless scarcity approach in this case. It
therefore relied on its knowledge and experience to assess a fair rent of
£
The Committee did not consider that there was any substantial scarcity element and
accordingly no further deduction was made for scarcity ./The Committee found that
there was substantial scarcity in the locality and therefore deducted a further sum or
£from the market rent to reflect this element.
This leaves a fair rent for the subject property of
£ 79 per WEEK
This leaves an occupational element of a fair rent for the subject property of
£per to which the service element sum of £in respect of
services should be added; resulting in a fair rent of £ per
6. Decision
The fair rent initially determined by the Committee, for the purposes of section 70,
was accordingly £ 79 per WEFY inclusive of £ per
in respect of services.
However, by virtue of the Rent Acts (Maximum Fair Rent) Order 1999 the maximum
fair rent that can be registered in the present case is the lower sum of £
per/inclusive of services (Details are provided on the back of the
decision form).
v = 1 m/v

The section 70 fair rent determined by the Committee is below/at the same level as the maximum fair rent permitted by the Rent Acts (Maximum Fair Rent) Order 1999 and accordingly that rent limit has no effect. Details are provided on the back of the decision form.

The fair rent to be registered/confirmed is not limited by the Rent Acts (Maximum Fair Rent) Order 1999 because there was not an existing registered fair rent at the time of the application.

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

Accordingly the sum of £.74...perperperinclusive of services of from .74.08.04.... will be registered/confirmed as the fair rent with effect from .74.08.04.... being the date of the Committee's decision.

The registered rent is to be entered/confirmed as variable in accordance with the terms of the tenancy (Rent Act 1977, s.71(4)).

Note: the new version of this section is an attempt to separate out the fair rent assessed in accordance with the Act from, where applicable, the maximum fair rent provided for by the 1999 Order.

Thus the section begins with the rent determined in accordance with section 70. It then permits one of four alternative paragraphs to be chosen according to whether the cap applies or not.

Having selected one the others should be deleted before the paragraph in bold type specifying the rent to be registered/confirmed is selected in all cases. The final paragraph can be included where there is a variable service charge.

Chairman

Dated

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 at the Panel Office which must be made within 21 days from the date of issue of this document.

Rent Assessment Committee: Summary reasons for decision.

Address of Premises 19 Lighthorne Road Solihull B91 2BD	The Committee members were Mr Martin Mr Satchwell Mrs Jukes
1. Background	

On 26 03 off the landlord/tenant applied to the rent officer for registration of a fair rent of £. 24... per wifek... for the above property.

Note: The period of the rental payments under the tenancy (e.g. weekly, monthly) should be inserted expressly above and where appropriate below.

The rent payable at the time of the application was £. 66.50. per. WEEK

Note: (1) Insert effective date when different from that of registration. (2) The date of registration is useful for capping purposes when it is necessary to know the date of the previous registration. (3) The whole of the above sentence can be deleted in those rare cases of first registration.

On 20.05.04 the rent officer registered a fair rent of £. 73.00 per week /-including f. in respect of services/(variable) with effect from that date/ 26.06.04

Note: the alternative of a variable amount for services has been added.

Note: this states how the matter has come before the RAC. If the letter of objection is not provided the reference to the letter of objection and date must obviously be omitted.

2. Inspection

The Committee inspected the property on 24.09.04 and found it to be in good/fair/poor* condition/as described more particularly in the Rent Officer's survey sheet which had been copied to the parties.

[Brief description of state of repair here where no RO survey sheet provided].

The following tenant's improvements had been made to the property.

GAS FIRE

GAS CONVECTOR

INTERNIAL DOORS

ONE POWER POINT & ETTIRA SOCIETA

IMPROVEMENTS TO ELECTRICAL IMPACATIONS

The Committee was unable to gain access at the appointed time in order to inspect the property internally and therefore made an external inspection only.

The registered rent includes a sum for the services as listed on the rent register.

3. Evidence

The Committee received written representations from the landlord and/tenant and these were copied to the parties/<u>No written representations were received from the landlord/tenant/either party:</u>

Neither party requested a hearing at which oral representations could be made.

A hearing was held on	inat which oral.
representations were made by/on behalf of i	the landlord and/tenant. The
landlord/tenant was not present or represent	ted.

The date and place of hearing respectively can be inserted.

A hearing was arranged foron	
but neither party atter	ıded.

Note: the last option is a new alternative possibility

4. The law

When determining a fair rent the Committee, in accordance with the Rent Act 1977, section 70, had regard to all the circumstances including the age, location and state of repair of the property. It also disregarded the effect of (a) any relevant tenant's improvements and (b) the effect of any disrepair or other defect attributable to the tenant or any predecessor in title under the regulated tenancy, on the rental value of the property.

In Spath Holme Ltd v Chairman of the Greater Manchester etc. Committee (1995) 28 HLR 107 and Curtis v London Rent Assessment Committee [1999] QB 92 the Court of Appeal emphasised

- (a) that ordinarily a fair rent is the market rent for the property discounted for 'scarcity' (i.e. that element, if any, of the market rent, that is attributable to there being a significant shortage of similar properties in the wider locality available for letting on similar terms - other than as to rent - to that of the regulated tenancy) and
- (b) that for the purposes of determining the market rent, assured tenancy (market) rents are usually appropriate comparables. (These rents may have to be adjusted where necessary to reflect any relevant differences between those comparables and the subject property).

5. Valuation

Thus in the first instance the Committee determined what rent the landlord could reasonably be expected to obtain for the property in the open market if it were let today in the condition that is considered usual for such an open market letting. It did this by having regard to the evidence supplied by the parties and/the Committee's own general knowledge of market rent levels in the area of $\omega \in \mathcal{I}$ middle Having done so it concluded that such a likely market rent would be £150, per

Furthermore, to allow for the tenant's improvements (listed above) it was necessary to make a further deduction of £...5...per. $\omega \in \mathbb{R}$.

Note: the wording has been revised to deal with the common case where the parties do not provide market comparables and also to permit the specification of sums in respect of (a)

differences between the condition of the real or hypothetical comparable(s) and the subject property and (b) the rental value of tenant's improvements, to be specified.

The Committee decided that the relevant differences between the subject property and
the comparable properties given in evidence were so great as to make it
inappropriate to rely on the market rent less scarcity approach in this case. It
therefore relied on its knowledge and experience to assess a fair rent of
£ per
The Committee did not consider that there was any substantial scarcity element and
accordingly no further deduction was made for scarcity./The Committee found that
there was substantial scarcity in the locality and therefore deducted a further sum of
£from the market rent to reflect this element.
This leaves a fair rent for the subject property of
£ 79 per WEEK
This leaves an occupational element of a fair rent for the subject property of
£per to which the service element sum of £in respect of
services should be added; resulting in a fair rent of £ per
6. Decision
The fair rent initially determined by the Committee, for the purposes of section 70, was accordingly £
in respect of services.
However, by virtue of the Rent Acts (Maximum Fair Rent) Order 1999 the maximum
fair rent that can be registered in the present case is the lower sum of £
per WEEU
decision form).

The section 70 fair rent determined by the Committee is below/at the same level as the maximum fair rent permitted by the Rent Acts (Maximum Fair Rent) Order 1999 and accordingly that rent limit has no effect. Details are provided on the back of the decision form.

The fair rent to be registered/confirmed is not limited by the Rent Acts (Maximum Fair Rent) Order 1999 because there was not an existing registered fair rent at the time of the application.

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

Accordingly the sum of £. 74. per week sinclusive of services of from 24 of c4 being the date of the Committee's decision.

The registered rent is to be entered/confirmed as variable in accordance with the terms of the tenancy (Rent Act 1977, s.71(4)).

Note: the new version of this section is an attempt to separate out the fair rent assessed in accordance with the Act from, where applicable, the maximum fair rent provided for by the 1999 Order.

Thus the section begins with the rent determined in accordance with section 70. It then permits one of four alternative paragraphs to be chosen according to whether the cap applies or not.

Having selected one the others should be deleted before the paragraph in bold type specifying the rent to be registered/confirmed is selected in all cases. The final paragraph can be included where there is a variable service charge.

Chairman

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 at the Panel Office which must be made within 21 days from the date of issue of this document.

Rent Assessment Committee: Summary reasons for decision. Rent Act 1977

	reasons for decision
Address of Premises	
25 Lighthorne Road Solihuli	The Committee members were
B91 2BD	1 141411111
	Mr Satchwell Mrs Jukes
	Junes
1. Background	
On. 21.03.04 the landlord/ton-	
fair rent of £.92.00per WEEK f	Tapplied to the rent officer for registration of a for the above property.
Note: The period of the rental payments	
inserted expressly above and where appropri	er the tenancy (e.g. weekly, monthly) should be ate below.
The rent payable at the time of the applic	cation was £. 73.50 per WEEK
The rent was previously registered on . 2.	1 8 2
from	with effect
the same date at the	77.63
a determination by the rent officer/a rent	E.73.50per LUFFK following
Note: (1) Insert effective date when dies	
registration is useful for commis-	m that of registration. (2) The date of
registration is useful for capping purposes when registration. (3) The whole of the above sentence	it is necessary to know the data and
registration. (3) The whole of the above sentence registration.	can be deleted in the case of the previous
registration.	and those rare cases of first
On 20. 05.04	sistered a fair rent of £
week / including £	istered a fair rent of £
week / including £ in respect of date/ 21.0606	services/(variable) with effect from that

Note: the alternative of a variable amount for services has been added.

By a letter dated 28 05 04 the landlord/tenant objected to the rent determined by the Rent Officer and the matter was referred to the Rent Assessment Committee.

Note: this states how the matter has come before the RAC. If the letter of objection is not provided the reference to the letter of objection and date must obviously be omitted.

2. Inspection

The Committee inspected the property on......and found it to be in good/fair/poor* condition/as described more particularly in the Rent Officer's survey sheet which had been copied to the parties.

[Brief description of state of repair here where no RO survey sheet provided].

THE COMMITTEE INSPECTED ON THE SAME DAY 4 IDEMICAL PROPERTIES IN LIGHTHESE ROPS AWN THEREFORE MADE DW ETTERNAME INSPECTION ONLY

The following tenant's improvements had been made to the property.

ZSAS FIRES
TILE SURROUND
BUILD IN CUPBOARDS
NEW WASHBMIN AWC. CISTERN.

The Committee was unable to gain access at the appointed time in order to inspect the property internally and therefore made an external inspection only.

The registered rent includes a sum for the services as listed on the rent register.

3. Evidence

The Committee received written representations from the landlord and/tenant and these were copied to the parties/No written representations were received from the landlord/tenant/either party.

Neither party requested a hearing at which oral representations could be made.

A hearing was held on ______in _____in ____at which oralrepresentations were made by/on behalf of the landlord and/tenant. The landlord/tenant was not present or represented.

The date and place of hearing respectively can be inserted.

A hearing was arranged for	On
in	but neither party attended.

Note: the last option is a new alternative possibility

4. The law

When determining a fair rent the Committee, in accordance with the Rent Act 1977, section 70, had regard to all the circumstances including the age, location and state of repair of the property. It also disregarded the effect of (a) any relevant tenant's improvements and (b) the effect of any disrepair or other defect attributable to the tenant or any predecessor in title under the regulated tenancy, on the rental value of the property.

In Spath Holme Ltd v Chairman of the Greater Manchester etc. Committee (1995) 28 HLR 107 and Curtis v London Rent Assessment Committee [1999] QB 92 the Court of Appeal emphasised

- (a) that ordinarily a fair rent is the market rent for the property discounted for 'scarcity' (i.e. that element, if any, of the market rent, that is attributable to there being a significant shortage of similar properties in the wider locality available for letting on similar terms other than as to rent to that of the regulated tenancy) and
- (b) that for the purposes of determining the market rent, assured tenancy (market) rents are usually appropriate comparables. (These rents may have to be adjusted where necessary to reflect any relevant differences between those comparables and the subject property).

5. Valuation

Thus in the first instance the Committee determined what rent the landlord could reasonably be expected to obtain for the property in the open market if it were let today in the condition that is considered usual for such an open market letting. It did this by having regard to the evidence supplied by the parties and/the Committee's own general knowledge of market rent levels in the area of west middless in the area of west market is a likely market rent would be £150, per west west market in the area of west market is a likely market rent would be £150, per west market in the area of west market is a likely market rent would be £150, per west market in the area of west market rent would be £150, per west market market rent would be £150, per west market rent would be £150, per west market rent levels in the area of west market rent would be £150, per west market rent levels in the area of west market rent levels in the area.

Furthermore, to allow for the tenant's improvements (listed above) it was necessary to make a further deduction of £... $\frac{5}{2}$ per... $\frac{5}{2}$.

Note: the wording has been revised to deal with the common case where the parties do not provide market comparables and also to permit the specification of sums in respect of (a)

differences between the condition of the real or hypothetical comparable(s) and the subject property and (b) the rental value of tenant's improvements, to be specified.

The Committee decided that the relevant differences between the subject property and
the comparable properties given in evidence were so great as to make it
inappropriate to rely on the market rent less scarcity approach in this case. It
therefore relied on its knowledge and experience to assess a fair rent of
£ per per
The Computtee did not consider that there was any substantial scarcity element and
accordingly no further deduction was made for scarcity./The Committee found that
there was substantial scarcity in the locality. It is a committee found that
there was substantial scarcity in the locality and therefore deducted a further sum of $f_{\text{const.}}$
£
This leaves a fair your for the server
This leaves a fair rent for the subject property of £79per. LEGY.
per La Ca
This lagvas an accounting to
This leaves an occupational element of a fair rent for the subject property of
£per to which the service element sum of £in respect of
services should be added; resulting in a fair rent of £ per
6. Decision
The fair rent initially determined by the Committee, for the purposes of section 70,
was accordingly £ 7.9 per WEEU inclusive of £per
in respect of services
1 - 2
However, by virtue of the Rent Acts (Maximum Fair Rent) Order 1999 the maximum
fair rent that can be registered in the present case is the lower sum of £
per
decision form).

The section 70 fair rent determined by the Committee is below/at the same level as the maximum fair rent permitted by the Rent Acts (Maximum Fair Rent) Order 1999 and accordingly that rent limit has no effect. Details are provided on the back of the decision form.

The fair rent to be registered/confirmed is not limited by the Rent Acts (Maximum Fair Rent) Order 1999 because there was not an existing registered fair rent at the time of the application.

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

Accordingly the sum of £...??.....per LEE4. /inclusive of services of £.....per.......... will be registered/eonfirmed as the fair rent with effect from 24.08.04.... being the date of the Committee's decision.

The registered rent is to be entered/confirmed as variable in accordance with the terms of the tenancy (Rent Act 1977, s.71(4)).

Note: the new version of this section is an attempt to separate out the fair rent assessed in accordance with the Act from, where applicable, the maximum fair rent provided for by the 1999 Order.

Thus the section begins with the rent determined in accordance with section 70. It then permits one of four alternative paragraphs to be chosen according to whether the cap applies or not.

Having selected one the others should be deleted before the paragraph in bold type specifying the rent to be registered/confirmed is selected in all cases. The final paragraph can be included where there is a variable service charge.

Chairman

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 at the Panel Office which must be made within 21 days from the date of issue of this document.

Rent Assessment Committee: Summary reasons for decision. Rent Act 1977

Address of Premises	The Committee members were
33 Lighthorne Road	Mr Martin
Solihull B91 2BD	Mr Satchwell
D71 2BD	Mrs Jukes
1. Background	
On. 21.03 ou the landlord/tend	mi applied to the rent officer for registration of for the above property.
Note: The period of the rental payments un inserted expressly above and where approp	der the tenancy (e.g. weekly, monthly) should be riste below.
The rent payable at the time of the app	lication was £73.50 per. WEEL
The rent was previously registered on.	
from/the same date	at £ 73.50 per were following
a determination by the rent officer/a re	ent assessm ent comm ittee.
Note: (1) Insert effective date when differen	
	when it is necessary to know the date of the previous
	tence can be deleted in those rare cases of first
registration.	
On 20.05.04 the rent office	er registered a fair rent of ££ per
week / including £in respec	ct of services/(variable) with effect from that
date/ 21 0 6 04	
Note: the alternative of a variable amount for	or services has been added.
By a letter dated 29 x 64 the 1	andlord/tenant objected to the rent determined
by the Rent Officer and the matter was	referred to the Rent Assessment Committee.

Note: this states how the matter has come before the RAC. If the letter of objection is not provided the reference to the letter of objection and date must obviously be omitted.

2. Inspection

The Committee inspected the property on . 24.0804 ... and found it to be in good/fair/poor* condition/as described more particularly in the Rent Officer's survey sheet which had been copied to the parties.

-[Brief description of state of repair here where no RO survey sheet provided].

The following tenant's improvements had been made to the property.

ONE FINE PLACE
THE ONE GAS FINE, ONE ELECTRIC FINE
REMOVED PANTRY & POIN BOUGLE SLAVING BREAKFAST KAN
INSTALLED SOUND PROCEFING TO DOWNSTHING OCUMUNARM
SIDE PASSAGE
SINK IN BATHROOM

The Committee was unable to gain access at the appointed time in order to inspect the property internally and therefore made an external inspection only.

The registered rent includes a sum for the services as listed on the rent register.

3. Evidence

The Committee received written representations from the landlord and/tenant and these were copied to the parties/No written representations were received from the landlord/tenant/either party.

Neither party requested a hearing at which oral representations could be made:

The date and place of hearing respectively can be inserted.

Note: the last option is a new alternative possibility

4. The law

When determining a fair rent the Committee, in accordance with the Rent Act 1977, section 70, had regard to all the circumstances including the age, location and state of repair of the property. It also disregarded the effect of (a) any relevant tenant's improvements and (b) the effect of any disrepair or other defect attributable to the tenant or any predecessor in title under the regulated tenancy, on the rental value of the property.

In Spath Holme Ltd v Chairman of the Greater Manchester etc. Committee (1995) 28 HLR 107 and Curtis v London Rent Assessment Committee [1999] QB 92 the Court of Appeal emphasised

- (a) that ordinarily a fair rent is the market rent for the property discounted for 'scarcity' (i.e. that element, if any, of the market rent, that is attributable to there being a significant shortage of similar properties in the wider locality available for letting on similar terms - other than as to rent - to that of the regulated tenancy) and
- (b) that for the purposes of determining the market rent, assured tenancy (market) rents are usually appropriate comparables. (These rents may have to be adjusted where necessary to reflect any relevant differences between those comparables and the subject property).

5. Valuation

However, the actual property is not in the condition considered usual for a modern letting at a market rent. Therefore it was first necessary to adjust that hypothetical rent of £...150... per. 150... to allow for the differences between the condition considered usual for such a letting and the condition of the actual property as observed by the Committee (disregarding the effect of any disrepair or other defect attributable to the tenant or any predecessor in title). The Committee considered that this required a deduction of £...150... per ...150... per ...150...

Note: the wording has been revised to deal with the common case where the parties do not provide market comparables and also to permit the specification of sums in respect of (a)

differences between the condition of the real or hypothetical comparable(s) and the subject property and (b) the rental value of tenant's improvements, to be specified.

The Committee decided that the relevant differences between the subject property and
the comparable properties given in evidence were so great as to make it
inappropriate to rely on the market rent less scarcity approach in this case. It
therefore relied on its knowledge and experience to assess a fair rent of
£per
The Committee did not consider that there was any substantial scarcity element and
acoardingly no further deduction was made for scarcity ./The Committee found that
there was substantial scarcity in the locality and therefore deducted a further sum of
£from the market rent to reflect this element.
This leaves a fair rent for the subject property of
£79per WEEN
This leaves an occupational element of a fair rent for the subject property of
£per to which the service element sum of £in respect of
services should be added; resulting in a fair rent of £per
6. Decision
The fair rent initially determined by the Committee, for the purposes of section 70,
was accordingly £79per WEEK inclusive of £per
in respect of services.
However, by virtue of the Rent Acts (Maximum Fair Rent) Order 1999 the maximum
fair rent that can be registered in the present case is the lower sum of £
per /inclusive of services (Details are provided on the back of the
decision form).

The section 70 fair rent determined by the Committee is below/at the same level as the maximum fair rent permitted by the Rent Acts (Maximum Fair Rent) Order 1999 and accordingly that rent limit has no effect. Details are provided on the back of the decision form.

The fair rent to be registered/confirmed is not limited by the Rent Acts (Maximum Fair Rent) Order 1999 because there was not an existing registered fair rent at the time of the application.

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

The registered rent is to be entered/confirmed as variable in accordance with the terms of the tenancy (Rent Act 1977, s.71(4)).

Note: the new version of this section is an attempt to separate out the fair rent assessed in accordance with the Act from, where applicable, the maximum fair rent provided for by the 1999 Order.

Thus the section begins with the rent determined in accordance with section 70. It then permits one of four alternative paragraphs to be chosen according to whether the cap applies or not.

Having selected one the others should be deleted before the paragraph in bold type specifying the rent to be registered/confirmed is selected in all cases. The final paragraph can be included where there is a variable service charge.

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 at the Panel Office which must be made within 21 days from the date of issue of this document.

Rent Assessment Committee: Summary reasons for decision. Rent Act 1977

Address of Premises	The Control
39 Lighthorne Road	The Committee members were Mr Martin
Solihull	Mr Satchwell
B91 2BD	Mrs Jukes
1. Background	
On. 27.04. OL the landlord/tenant	applied to the rent officer for registration of
fair rent of £. 40 per C. Mon 14 for	the above property.
Note: The period of the rental payments under inserted expressly above and where appropria	r the tenancy (e.g. weekly, monthly) should be te below.
The rent payable at the time of the application	ation was £.316.33. per.C. MON 14.
The rent was previously registered on 3/	
from/the same date at £	E73per WEEKfollowing
a determination by <i>the rent officer/a<u>rent</u></i>	assessment committee.
Note: (1) Insert effective date when different fr	om that of registration. (2) The date of
registration is useful for capping purposes whe	n it is necessary to know the date of the previous
registration. (3) The whole of the above sentence registration.	
On 20:05-04 the rent officer re	egistered a fair rent of £ per
week / including £in respect v	f services/(variable) with effect from that
late/31.05:04	, () say was core in our original
Note: the alternative of a variable amount for so	ervices has been added.
By a letter dated 24 05 Ut the land	dlord/tenant objected to the rent determined

by the Rent Officer and the matter was referred to the Rent Assessment Committee.

Note: this states how the matter has come before the RAC. If the letter of objection is not provided the reference to the letter of objection and date must obviously be omitted.

2. Inspection

The Committee inspected the property on . Z4. 04.09 and found it to be in good/fair/poor* condition/as described more particularly in the Rent Officer's survey sheet which had been copied to the parties.

[Brief description of state of repair here where no RO survey sheet provided].

The following tenant's improvements had been made to the property.

SHANFINE AIN READ ROWN.

PROVISION 2 F SINK

NEMDUAL DAMMY & LAY TO CUP SUARDS IN KITCHEN

SHOWEN IN KATHROOM

The Committee was unable to gain access at the appointed time in order to inspect the property internally and therefore made an external inspection only.

The registered rent includes a sum for the services as listed on the rent register.

3. Evidence

The Committee received written representations from the landlord and/tenant and these were copied to the parties. No written representations were received from the landlord/tenant/either party.

Neither party requested a hearing at which oral representations could be made.

A hearing was held onin inin at which oral representations were made by/on behalf of the landlord and/tenant. The landlord/tenant was not present or represented.

The date and place of hearing respectively can be inserted.

A hearing was arranged for 21. on but neither party attended.

Note: the last option is a new alternative possibility

4. The law

When determining a fair rent the Committee, in accordance with the Rent Act 1977, section 70, had regard to all the circumstances including the age, location and state of repair of the property. It also disregarded the effect of (a) any relevant tenant's improvements and (b) the effect of any disrepair or other defect attributable to the tenant or any predecessor in title under the regulated tenancy, on the rental value of the property.

In Spath Holme Ltd v Chairman of the Greater Manchester etc. Committee (1995) 28 HLR 107 and Curtis v London Rent Assessment Committee [1999] QB 92 the Court of Appeal emphasised

- (a) that ordinarily a fair rent is the market rent for the property discounted for 'scarcity' (i.e. that element, if any, of the market rent, that is attributable to there being a significant shortage of similar properties in the wider locality available for letting on similar terms - other than as to rent - to that of the regulated tenancy) and
- (b) that for the purposes of determining the market rent, assured tenancy (market) rents are usually appropriate comparables. (These rents may have to be adjusted where necessary to reflect any relevant differences between those comparables and the subject property).

5. Valuation

Thus in the first instance the Committee determined what rent the landlord could reasonably be expected to obtain for the property in the open market if it were let today in the condition that is considered usual for such an open market letting. It did this by having regard to the evidence supplied by the parties and/the Committee's own general knowledge of market rent levels in the area of west mide and having done so it concluded that such a likely market rent would be £150 per week.

However, the actual property is not in the condition considered usual for a modern letting at a market rent. Therefore it was first necessary to adjust that hypothetical rent of £150... per. $\omega \in \mathcal{E}_{\infty}$ to allow for the differences between the condition considered usual for such a letting and the condition of the actual property as observed by the Committee (disregarding the effect of any disrepair or other defect attributable to the tenant or any predecessor in title). The Committee considered that this required a deduction of £... ∞ per. $\omega \in \mathcal{E}_{\infty}$.

Furthermore, to allow for the tenant's improvements (listed above) it was necessary to make a further deduction of £.... per. w. F.E.M.

Note: the wording has been revised to deal with the common case where the parties do not provide market comparables and also to permit the specification of sums in respect of (a)

differences between the condition of the real or hypothetical comparable(s) and the subject property and (b) the rental value of tenant's improvements, to be specified.

The Committee decided that the relevant differences between the subject property and
the comparable properties given in evidence were so great as to make it
inappropriate to rely on the market rent less scarcity approach in this case. It
therefore relied on its knowledge and experience to assess a fair rent of
£ per
The Committee did not consider that there was any substantial scarcity element and
aecordingly no-further deduction was made for scarcity :/The Committee found that
there was substantial scarcity in the locality and therefore deducted, a further sum of
£from the market rent to reflect this element.
,
This leaves a fair rent for the subject property of
£ 79 Der WEEK
•
This leaves an occupational element of a fair rent for the subject property of
£per to which the service element sum of £in respect of
services should be added; resulting in a fair rent of £ per
per
6. Decision
J. Zveision
The fair rent initially determined by the Committee Coul
The fair rent initially determined by the Committee, for the purposes of section 70, was accordingly £
in respect of services.
However, by virtue of the Rent Acts (Maximum Fair Rent) Order 1999 the maximum
fair rent that can be registered in the present
fair rent that can be registered in the present case is the lower sum of £
per/inclusive of services (Details are provided on the back of the decision form).
Material for my.

The section 70 fair rent determined by the Committee is below/at the same level as the maximum fair rent permitted by the Rent Acts (Maximum Fair Rent) Order 1999 and accordingly that rent limit has no effect. Details are provided on the back of the decision form.

The fair rent to be registered/confirmed is not limited by the Rent Acts (Maximum Fair Rent) Order 1999 because there was not an existing registered fair rent at the time of the application.

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

The registered rent is to be entered/confirmed as variable in accordance with the terms of the tenancy (Rent Act 1977, s.71(4)).

Note: the new version of this section is an attempt to separate out the fair rent assessed in accordance with the Act from, where applicable, the maximum fair rent provided for by the 1999 Order.

Thus the section begins with the rent determined in accordance with section 70. It then permits one of four alternative paragraphs to be chosen according to whether the cap applies or not.

Having selected one the others should be deleted before the paragraph in bold type specifying the rent to be registered/confirmed is selected in all cases. The final paragraph can be included where there is a variable service charge.

Chairman

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 at the Panel Office which must be made within 21 days from the date of issue of this document.

Rent Assessment Committee: Summary reasons for decision. Rent Act 1977

Rent Net 1917	
Address of Premises	The Committee members were
39 Lighthorne Road	Mr Martin
Solihull	Mr Satchwell
B91 2BD	Mrs Jukes
1. Background	
- '	nt applied to the rent officer for registration of a
fair rent of £9.2 per FEK	for the above property.
Note: The period of the rental payments un	der the tenancy (e.g. weekly, monthly) should be
inserted expressly above and where approp	
The rent payable at the time of the app	olication was £.73:50 per WEEV
The rent was previously registered on	21.05.02 with effect
from	at £ 73.50 per WEFM following
a determination by the rent officer/ar	ent assessment committee.
Note: (1) Insert effective date when differen	nt from that of registration. (2) The date of
registration is useful for capping purposes	when it is necessary to know the date of the previous
registration. (3) The whole of the above ser	itence can be deleted in those rare cases of first
registration.	
	26
	er registered a fair rent of £\$ per
week / including f in respe	ect of services/(variable) with effect from that
date/ 21.06.04	
Note: the alternative of a variable amount	for services has been added.
By a letter dated 28:05.04the	landlord/tenant objected to the rent determined
by the Rent Officer and the matter wa	s referred to the Rent Assessment Committee.

Note: this states how the matter has come before the RAC. If the letter of objection is not provided the reference to the letter of objection and date must obviously be omitted.

2. Inspection

The Committee inspected the property on......and found it to be in good/fair/poor* condition/as described more particularly in the Rent Officer's survey sheet which had been copied to the parties.

[Brief description of state of repair here where no RO survey sheet provided].

THE COMMITTEE INSPECTED ON THE SAME DAY
FOUR IDEMICHE PROPERTIES IN LIGHTHORNE RUAD AND
THEREFURE MADE AN EXTERNAL INSPECTION UNLY

The following tenant's improvements had been made to the property.

EL ADRITIONAL SOCHETS

KITCHEW IMPROVEMENTS

IMMERSION NEADER

REPLACED WC

GAS FIRES & SURROUNDS

The Committee was unable to gain access at the appointed time in order to inspect the property internally and therefore made an external inspection only.

The registered rent includes a sum for the services as listed on the rent register.

3. Evidence

The Committee received written representations from the landlord and/tenant and these were copied to the parties/No written representations were received from the landlord/tenant/either party.

Neither party requested a hearing at which oral representations could be made.

A hearing was held oninat which oral
representations were made by/on behalf of the landlord and/tenant. The
landlord/tenant was not present or represented
The date and place of hearing respectively can be inserted.

A hearing was arran	ged foron
in	but neither party attended.

Note: the last option is a new alternative possibility

4. The law

When determining a fair rent the Committee, in accordance with the Rent Act 1977, section 70, had regard to all the circumstances including the age, location and state of repair of the property. It also disregarded the effect of (a) any relevant tenant's improvements and (b) the effect of any disrepair or other defect attributable to the tenant or any predecessor in title under the regulated tenancy, on the rental value of the property.

In Spath Holme Ltd v Chairman of the Greater Manchester etc. Committee (1995) 28 HLR 107 and Curtis v London Rent Assessment Committee [1999] QB 92 the Court of Appeal emphasised

- (a) that ordinarily a fair rent is the market rent for the property discounted for 'scarcity' (i.e. that element, if any, of the market rent, that is attributable to there being a significant shortage of similar properties in the wider locality available for letting on similar terms other than as to rent to that of the regulated tenancy) and
- (b) that for the purposes of determining the market rent, assured tenancy (market) rents are usually appropriate comparables. (These rents may have to be adjusted where necessary to reflect any relevant differences between those comparables and the subject property).

5. Valuation

Thus in the first instance the Committee determined what rent the landlord could reasonably be expected to obtain for the property in the open market if it were let today in the condition that is considered usual for such an open market letting. It did this by having regard to the evidence supplied by the parties and/the Committee's own general knowledge of market rent levels in the area of west midlands.

Having done so it concluded that such a likely market rent would be £! W... per

However, the actual property is not in the condition considered usual for a modern letting at a market rent. Therefore it was first necessary to adjust that hypothetical rent of £.1.50. per. $\angle F \in \mathcal{M}$... to allow for the differences between the condition considered usual for such a letting and the condition of the actual property as observed by the Committee (disregarding the effect of any disrepair or other defect attributable to the tenant or any predecessor in title). The Committee considered that this required a deduction of £.55.... per $\angle F \in \mathcal{M}$

Furthermore, to allow for the tenant's improvements (listed above) it was necessary to make a further deduction of £...5.... per

Note: the wording has been revised to deal with the common case where the parties do not provide market comparables and also to permit the specification of sums in respect of (a)

differences between the condition of the real or hypothetical comparable(s) and the subject property and (b) the rental value of tenant's improvements, to be specified.

·
The <u>Committee decide</u> d that the relevant differences between the subject property and
the comparable properties given in evidence were so great as to make it
inappropriate to rely on the market rent less scarcity approach in this case. It
therefore relied on its knowledge and expertence to assess a fair rent of
£ per
The Committee did not consider that there was any substantial scarcity element and
accordingly no further deduction was made for scarcity:/The Committee found that
there was substantial scarcity in the locality and therefore deducted a further sum of
ffrom the market rent to reflect this element.
This leaves a fair rent for the subject property of
£29per. WEEK.
This leaves an occupational element of a fair rent for the subject property of
£per to which the service element sum of £in respect of
services should be added; resulting in a fair rent of £per
6. Decision
The fair rent initially determined by the Committee, for the purposes of section 70,
was accordingly £ per per jer
in respect of services.
However, by virtue of the Rent Acts (Maximum Fair Rent) Order 1999 the maximum
fair rent that can be registered in the present case is the lower sum of £
per /inclusive of services (Details are provided on the back of the
decisión form).

The section 70 fair rent determined by the Committee is below/at the same level as the maximum fair rent permitted by the Rent Acts (Maximum Fair Rent) Order 1999 and accordingly that rent limit has no effect. Details are provided on the back of the decision form.

The fair rent to be registered/confirmed is not limited by the Rent Acts (Maximum Fair Rent) Order 1999 because there was not an existing registered fair rent at the time of the application.

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

The registered rent is to be entered/confirmed as variable in accordance with the terms of the tenancy (Rent Act 1977, s.71(4)).

Note: the new version of this section is an attempt to separate out the fair rent assessed in accordance with the Act from, where applicable, the maximum fair rent provided for by the 1999 Order.

Thus the section begins with the rent determined in accordance with section 70. It then permits one of four alternative paragraphs to be chosen according to whether the cap applies or not.

Having selected one the others should be deleted before the paragraph in bold type specifying the rent to be registered/confirmed is selected in all cases. The final paragraph can be included where there is a variable service charge.

Dated 24.08.04

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 at the Panel Office which must be made within 21 days from the date of issue of this document.

Rent Assessment Committee: Summary reasons for decision. Rent Act 1977

Address of Premises	The Committee members were
53 Lighthorne Road	Mr Martin
Solihull	Mr Satchwell
B91 2BD	Mrs Jukes
	11 - 1111
1. Background	
22 101 101	
	t applied to the rent officer for registration of a
fair rent of £7.7 per WEEKfo	or the above property.
Note: The period of the rental payments unde	er the tenancy (e.g. weekly, monthly) should be
inserted expressly above and where appropri	ate below.
The rent payable at the time of the appli	cation was £.73.50 per. LU. F.E.K
The rent was previously registered on. 2	1.06.02 with offeet
from LIDIO /the same date at	t£ 73.50 per WEEL following
a determination by the rent officer/a-ren	t-assessment committee.
Note: (1) Insert effective date when different	from that of registration. (2) The date of
registration is useful for capping purposes wh	hen it is necessary to know the date of the previous
registration. (3) The whole of the above sente	nce can be deleted in those rare cases of first
registration.	
20 56 016	Ø/1
On	registered a fair rent of £.30 per
	t of services/(variable) with effect from that
date/ 27.07.04	
Note: the alternative of a variable amount for	r services has been added.
By a letter dated 29.05.04 the la	andlord/tenant objected to the rent determined
by the Rent Officer and the matter was r	referred to the Rent Assessment Committee.

Note: this states how the matter has come before the RAC. If the letter of objection is not provided the reference to the letter of objection and date must obviously be omitted.

2. Inspection

[Brief description of state of repair here where no RO survey sheet provided].

The following tenant's improvements had been made to the property.

DOUBLE SLAZING

CERTRAL HEATING

WARDNOKES

PORCH

SAS FIRES

IMPROVEMENS TO KITHEN OBATHROOM

PATIO DOUR

FEMING
The Committee was unable to gain access at the appointed time in order to inspect the property internally and therefore made an external inspection only.

The registered rent includes a sum for the services as listed on the rent register.

3. Evidence

The Committee received written representations from the landlord and/tenant and these were copied to the parties/No written representations were received from the landlord/tenant/either party.

Neither party requested a hearing at which oral representations could be made.

The date and place of hearing respectively can be inserted.

A hearing was arranged for	
but neither	party attended.

Note: the last option is a new alternative possibility

4. The law

When determining a fair rent the Committee, in accordance with the Rent Act 1977, section 70, had regard to all the circumstances including the age, location and state of repair of the property. It also disregarded the effect of (a) any relevant tenant's improvements and (b) the effect of any disrepair or other defect attributable to the tenant or any predecessor in title under the regulated tenancy, on the rental value of the property.

In Spath Holme Ltd v Chairman of the Greater Manchester etc. Committee (1995) 28 HLR 107 and Curtis v London Rent Assessment Committee [1999] QB 92 the Court of Appeal emphasised

- (a) that ordinarily a fair rent is the market rent for the property discounted for 'scarcity' (i.e. that element, if any, of the market rent, that is attributable to there being a significant shortage of similar properties in the wider locality available for letting on similar terms - other than as to rent - to that of the regulated tenancy) and
- (b) that for the purposes of determining the market rent, assured tenancy (market) rents are usually appropriate comparables. (These rents may have to be adjusted where necessary to reflect any relevant differences between those comparables and the subject property).

5. Valuation

Thus in the first instance the Committee determined what rent the landlord could reasonably be expected to obtain for the property in the open market if it were let today in the condition that is considered usual for such an open market letting. It did this by having regard to the evidence supplied by the parties and/the Committee's own general knowledge of market rent levels in the area of west with a likely market rent would be £!55... per wefer.

However, the actual property is not in the condition considered usual for a modern letting at a market rent. Therefore it was first necessary to adjust that hypothetical rent of £.155... per.4256... to allow for the differences between the condition considered usual for such a letting and the condition of the actual property as observed by the Committee (disregarding the effect of any disrepair or other defect attributable to the tenant or any predecessor in title). The Committee considered that this required a deduction of £.27.50... per 4.6564.....

Furthermore, to allow for the tenant's improvements (listed above) it was necessary to make a further deduction of £.3.7.50. per. week.

Note: the wording has been revised to deal with the common case where the parties do not provide market comparables and also to permit the specification of sums in respect of (a)

differences between the condition of the real or hypothetical comparable(s) and the subject property and (b) the rental value of tenant's improvements, to be specified.

The Committee decided that the relevant differences between the subject prope	erty and
the comparable properties given in evidence were so great as to make it	
inappropriate to rely on the market rent less searcity approach in this case. It	
therefore relied on its knowledge and experience to assess a fair rent of	
£ per	
The Committee did not consider that there was any substantial scarcity elemen	nt and
accordingly no further deduction was made for scarcity ./The Committee found	d that
there was substantial scarcity in the locality and therefore deducted a further	sum of
£from the market rent to reflect this element.	
f79per. WEEK.	r
This leaves an occupational element of a fair rept for the subject property of	
£per to which the service element sum of £in respec	i oj
services should be added; resulting in a fair rent of £ per	
6. Decision	
The fair rent initially determined by the Committee, for the purposes of section	n 70,
was accordingly £79 per west inclusive of f	
in respect of services.	
However, by virtue of the Rent Acts (Maximum Fair Rent) Order 1999 the ma	ximum
fair rent that can be registered in the present case is the lower sum of £	
per/inclusive of services (Details are provided on the back	
decision form).	

The section 70 fair rent determined by the Committee is below/at the same level as the maximum fair rent permitted by the Rent Acts (Maximum Fair Rent) Order 1999 and accordingly that rent limit has no effect. Details are provided on the back of the decision form.

The fair-rent to be registered/confirmed is not limited by the Rent Acts (Maximum Fair Rent) Order 1999 because there was not an existing registered fair Fent at the time of the application.

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

Accordingly the sum of £. 27.....per L. E. L. Inclusive of services of £...... will be registered/confirmed as the fair rent with effect from 24.08.04.... being the date of the Committee's decision.

The registered rent is to be entered/confirmed as variable in accordance with the terms of the tenancy (Rent Act 1977, s 71(4)).

Note: the new version of this section is an attempt to separate out the fair rent assessed in accordance with the Act from, where applicable, the maximum fair rent provided for by the 1999 Order.

Thus the section begins with the rent determined in accordance with section 70. It then permits one of four alternative paragraphs to be chosen according to whether the cap applies or not.

Having selected one the others should be deleted before the paragraph in bold type specifying the rent to be registered/confirmed is selected in all cases. The final paragraph can be included where there is a variable service charge.

<u>Sul.</u>

Chairman

Dated 24.08.04

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 at the Panel Office which must be made within 21 days from the date of issue of this document.