

**Rent Assessment Committee: Summary reasons for decision.**

**Housing Act 1988**

**Address of Premises**

Bolney Stage Cottage  
London Road  
Bolney  
Haywards Heath  
West Sussex RH17 5RL

**The Committee members were**

Mr J B Tarling MCMI (Chairman)  
Mr D J Myers FRICS  
Miss J Dalal

**1. Background**

On 9th March 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 £625 per month with effect from 1<sup>st</sup> April 2004 is dated 20<sup>th</sup> February 2004.

The tenancy is a periodic tenancy which commenced in October 1992. The current rent is £575 per month.

**2. Inspection**

The Committee inspected the property on 15<sup>th</sup> April 2004 and found it to be in ~~good~~/fair/~~poor~~ condition.

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

~~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.~~

### **3. Evidence**

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

A hearing was held at 14.15 on 15<sup>th</sup> April 2004 in Committee Room 1, Haywards Heath Town Hall, 40 Boltro Road, Haywards Heath at which oral representations were made on behalf of the landlord <sup>and</sup> the tenant ~~was not present or represented.~~

### **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 *West Sussex* and concluded that an appropriate market rent for the property would be £ *575* 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 £ *575* per month.

*No payments in addition to this rent are to be payable by the Tenant to the Landlord in respect of water supply or waste water charges.*

This rent will take effect from *1st May 2004* ~~being the date specified by the landlord in the notice of increase.~~

~~This rent will take effect from~~ the committee being satisfied that undue hardship would otherwise be caused to the tenant.

Chairman

  
J B Tarling

Dated 15<sup>th</sup> April 2004

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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.

## **SOUTHERN RENT ASSESSMENT COMMITTEE**

**Case No. CHI/45UG/MNR/2004/0044**

**Bolney Stage Cottage, London Road, Bolney, West Sussex RH17 5RL**

### **REASONS FOR THE DECISION**

1. The Committee considered an application by the Tenants Helen Weatherell and Adrian Toms under the Housing Act 1988 under which a Section 13 Notice proposing a New Rent of £625 per month under an Assured Periodic Tenancy had been referred to the Committee. The Section 13 Notice proposed that the new rent would take effect from 1<sup>st</sup> April 2004. The Committee's jurisdiction and function are set out in Section 14 of the Housing Act 1988. Its function was merely to assess the rent, rather than to adjudicate on any other disputes that may exist between Landlord and Tenant.

### **INSPECTION**

2. The Committee inspected the premises on the 15<sup>th</sup> April 2004 accompanied by the Tenants. Neither the Landlord, Mr C. Andrews nor his Agents, Elliott & Bunn were present at the inspection. The subject property was a detached bungalow with gardens situated adjacent to the Bolney Stage Public House in the village of Bolney. The property was situated in a rural environment with poor public transport and some distance from any shops. The accommodation comprised a living room, kitchen, bathroom, wc and 2/3 bedrooms. There were 3 electric storage heaters and a rayburn to provide some limited heating. The bathroom had no heating and there were signs of damp. The building was quite old and in need of some repairs to the roof and structure. Some other parts of the property also appeared damp. The property was found to be generally in a fair condition.

### **HEARING**

3. The Landlords Agents had requested a Hearing and the matter was heard at Haywards Heath Town Hall. Ms Weatherall, one of the tenants, and Mr R. Moon, from the landlord Agents, Elliott & Bunn, attended the Hearing. Written representations had previously been received from both parties. It was noted that this property had been the subject of a Decision of the Rent Assessment Committee the previous year, when a rent of £575 per month had been assessed on 20<sup>th</sup> May 2003. The tenant Ms Weatherall gave evidence and said nothing had changed since the previous Decision. She did not think rents had gone up in the last 12 months. She thought that if rents had changed, then had gone down. She objected to any rent increase.

Mr Moon gave evidence and said he was requesting an increase from the existing rent of £575 per month to £625 per month. He reminded the Committee that there had been no increase in rent since 2002. He thought the market had risen since then. He was unable to produce any valid comparable evidence of similar properties in that locality to say that the market had risen over that period. He referred the Committee to the newspaper advertisements showing various asking rents of other properties, although none appeared to be a suitable comparable to the subject property. He accepted that some properties for rent took 3 months to let. It was established that the Tenants pay the Water Rates. However the water supply is included in the rent but the waste sewage charge is not. This is a rather unusual situation and according to the tenants there had been problems between the parties about who was liable for what.

## CONSIDERATION

4. Following the Hearing the Committee retired to consider their decision. They carefully reviewed the evidence all parties had given. The Committee reminded itself that its function was merely to adjudicate on the amount of rent, rather than any other matters of dispute between the landlord and the tenants.

## THE LAW

5. In accordance with the provisions of Section 14 of the Housing Act 1988 the Committee had to determine the rent at which it considered that the subject property in its current condition of repair and decoration 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 tenants improvements as defined in section 14(2) of that Act. In coming to its decision the Committee had regard to any evidence supplied by the parties and the members own general knowledge of market rent levels in the area of West Sussex

## DECISION

6. The Committee keep abreast of open market rents in the area. In making their decision the Committee had disregarded the matters set out in Section 14 (2) of the 1988 Act. The Committee considered the matter carefully in the light of what they had seen and the evidence that had been placed before them. No comparable market rental evidence had been supplied by either party and this left the Committee to use their own local knowledge in establishing levels of rent in the locality. They considered whether there had been any significant rise in levels of rent since the previous Committee's Decision . No evidence of any such increases had been supplied by either party and using their own knowledge and experience, the Committee decided that there had been no such increase. The Committee therefore concluded that the rent at which the property might reasonably be expected to be let on the open market in its present condition of repair and decoration would be £575 per month. This rent would take effect from the 1<sup>st</sup> May 2004.

The Committee did consider the possibility of back-dating the decision to the date of the Landlord's Notice, but decided to exercise its discretion not to do so. Such discretion was exercised on the grounds of greater hardship to the Tenant than to the Landlord. In practice of course, there was to be no increase of rent in any event.

The Committee decided that no payments in addition to this rent are to be payable by the Tenants to the Landlord in respect of water supply or waste water charges.



John B. Tarling MCMI  
(Chairman) 21st May 2004