

**Notice of the Rent Assessment Committee Decision and  
Register of Rents under Assured Shorthold Tenancies  
(Section 22 Determination)**

Housing Act 1988 Section 22

**Address of Premises**

Flat 9  
2 Sibthorpe Road  
Mitcham  
CR4 3NN

**The Committee members were**

Mrs J Pittaway  
Mr D N Huckle FRICS  
Mr O N Miller BSc

**Landlord  
Address**

Mr I Mandziviza  
Goodway Estate Agent Ltd  
6 Dalton Street  
London  
SE27 9HS

**Tenant**

Mr N Caven

1. The rent current rent is: £ 700 Per month

2. The committee do not propose to make a determination under Section 22 Housing Act 1988.

3. Date assured tenancy commenced 31 October 2005

4. Length of the term or rental period One year

5. Allocation of liability for repairs Not applicable

6. Furniture provided by landlord or superior landlord

None

**Chairman**

J Pittaway

**Date of Decision**

15 May 2006

**Rent Assessment Committee: Summary reasons for decision.**  
**Housing Act 1988 – Section 22**

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Flat 9  
2 Sibthorpe Road  
Mitcham  
CR4 3NN

**The Committee members were**

Mrs J Pittaway  
Mr D N Huckle FRICS  
Mr O N Miller BSc

**1. Background**

On 15 March 2006 the tenant of the above property applied to the Committee for a determination under section 22 of the Housing Act 1988.

The tenancy commenced on 31 October 2005 for a term of one year.

The current rent is £700 per month.

**2. Inspection**

The Committee inspected the property on 15 May 2006 and found it to be in fair condition.

It comprises a 3<sup>rd</sup> floor flat in a recently refurbished 4 storey building containing 10 flats. The subject flat contains 2 rooms and kitchen and bathroom/WC with entryphone and central heating, modernised to a reasonable standard.

**3. Evidence**

No written representations were received from either party.

The tenant requested a hearing at which oral representations could be made.

A hearing was arranged for 9.30am on 15 May 2006 at 10 Alfred Place but neither party attended.

**4. The law**

In accordance with the terms of section 22(3) Housing Act 1988 the Committee may make a determination of the rent at which it considers that the subject property might reasonably be expected to be let under the assured shorthold tenancy. However the Committee may not make such a determination unless it considers -

- (a) that there is a sufficient number of similar dwellings-houses in the locality let on assured tenancies (whether shorthold or not); and

- (b) that the rent payable under the assured shorthold tenancy in question is significantly higher than the rent which the landlord might reasonably be expected to be able to obtain under the tenancy, having regard to the level of rents payable under the tenancies referred to in paragraph (a) above.

Section 22(5) provides that for the purposes of this section “rent” includes amongst other things any sums payable to the landlord by the tenant in respect of council tax.<sup>2</sup>

Section 22(5) provides that for the purposes of section 22 “rent” does not include a “service charge” within the meaning of section 18 Landlord and Tenant Act 1985 ( i.e. where the service charge payable by the tenant is variable from time to time according to the relevant costs). However it does include a “fixed” service charge.

## **5. The decision**

The Committee concluded that whilst the requirement in section 22(3)(a) is satisfied the requirement in section 22(3)(b) is not satisfied and therefore the Committee was not able to make a determination.

Chairman      J Pittaway

Dated            15 May 2006

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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 28 days from the date of issue of this document.

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<sup>1</sup> Since 28 February 1997 an assured shorthold tenancy can be fixed term or periodic from the outset. If a fixed term tenancy of less than six months is followed by a statutory periodic tenancy a section 22 application can still be made provided six months have not passed since the original fixed term commenced. Thus all options are catered for by this draft.

<sup>2</sup> This will be relevant in the case of houses in multiple occupation where liability for the council tax falls on the landlord but is (proportionately) passed on to the tenant.