

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

Address of Premises

33 Renals Street
Derby
Derbyshire
DE23 6SJ

The Committee members were

Ch: Mr W.M.S Tildsley
V: Mr G.S. Freckelton FRICS
LM: Mrs A. Bartram

1. Background

On 25 October 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 3 October 2006 for a term of 1 months/years. The current rent is £ 65 per week.

2. Inspection

The Committee inspected the property on 5.12.06 and found it to be in good/fair/poor condition.* but furniture and furnishings of poor quality conditions.
[Brief description of 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.*

The following services ^{were included in the rent} are provided for the tenant. - ^{electricity, gas}
Council Tax, Water Rates + T.V licence.

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 at on in at which oral representations were made by/on behalf of* the landlord and/tenant.* The ~~landlord/tenant*~~ was not present or represented.*

A hearing was arranged for on in but neither party attended.*

4. The law

In accordance with the terms of section 22 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 an assured shorthold tenancy. However the committee may not make such a determination unless they consider-

- (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.

* In coming to its decision the Committee had ^{regard to} ~~regard to the evidence supplied by the parties and the members' own general knowledge*~~ of market rent levels in the area of ^{Derby} ~~Derby~~ and ~~concluded that an~~

appropriate market rent for the property would be £ 50 per week/fortnight/month/quarter. * including 10 fixed service charge 2 Council Tax, 1 gas, 1 electricity, 1 water rate + 1 (hence)

Note: the Committee may want to indicate here any particularly compelling market rental evidence on which it relied.

5. The decision

The Committee concluded that the conditions of section 22(3) are satisfied, namely there is a sufficient number of dwellings houses let on assured tenancies in the locality, and determination that the rent at which the property might reasonably be expected to be let under an assured shorthold tenancy would be £ 50 per week/fortnight/month/quarter inclusive of 10 in respect of services.* the rent payable of £65, including services is significantly higher than £50

This rent will take effect from 25.10.06 being the date specified by the landlord in the notice of increase.* the Application was received by

The Committee concluded that the conditions of section 22(3) are not satisfied and therefore the Committee was not able to make a determination.

The Committee concluded that whilst the conditions of section 22(3)(a) are satisfied the conditions of section 22(3)(b) are not satisfied and therefore the Committee was not able to make a determination.

It should be noted that the tenancy contains a variable service charge within the meaning of section 18 of the Landlord and Tenant Act 1985. It follows the rent determined by the Committee for the purposes of this application is exclusive of that service charge which will therefore be recoverable in addition to the rent determined.

Chairman W.M.S. Dildy

Dated 5-12-06

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.