

Rent Assessment Committee: Summary reasons for decision.**Housing Act 1988 - Section 22****Address of Premises**

Flat 1
7 Brendon Grove
East Finchley
London
N2 8JE

The Committee members were

Mr J H Rosen LLB
Mr F W J James FRICS
Mr T W Sennett MA MCIEH

1. Background

On 18 October 2004 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 1 September 2004 for a term of 6 months. The tenant is a assured shorthold periodic tenancy that commenced on that date.

The current rent is £210 per week.

2. Inspection

The Committee inspected the property externally on 10 December 2004 and found it to be in fair to good condition.

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 tenant's agent and these were copied to the other party. No written representations were received from the landlord.

A hearing was arranged for 10 December 2004 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 considered 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 tax².

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 (ie. where the service charge payable by the tenant is variable from item 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) is not satisfied and therefore the Committee was not able to make a determination.

Chairman: J H Rosen

Dated: 10 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 written request to the committee clerk which must be made within 28 days from the date of issue of this document.

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