

**Eastern Rent Assessment Panel**

Great Eastern House Tenison Road Cambridge CB1 2TR  
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**REASONS FOR DECISION OF RENT ASSESSMENT COMMITTEE**

*Reasons requested by Landlord/Tenant under section 10 of the Tribunals and Enquiries Act 1992 and Regulation 10a of the Rent Assessment Committees (England and Wales) Regulations 1971.*

**SUMMARY**

**PROPERTY:** 30 Chigwell Lane, Loughton, Essex IG10 3NY  
**Ref. No.** CAM/22UH/MNR/2003/0027  
**Date of Decision:** 2 May 2003

**Landlord:** Mr S Dias  
**Tenant:** Miss M Bunce and Mr R Yale

<b>Rent at date of Landlord's Notice dated 16.3.03:</b>	£125 per week
<b>Rent proposed by Landlord to take effect 17.4.3:</b>	£200 per week
<b>Rent determined by Committee:</b>	£140 per week
<b>Date new rent takes effect:</b>	17 April 2003

**MEMBERS OF THE COMMITTEE**

**Mr G M Jones - Chairman**  
**Mr F W James FRICS**  
**Mr R G Martin**

**1. THE PREMISES**

- 1.1 The type of property: 3 bedroom end terraced house – old railway cottage – probably Victorian – with large gardens
- 1.2 Location: Near Debden Station next to railway embankment – industrial premises at rear – no road going to property – nearest on-street parking on opposite side of railway line – garages for rent available – social housing also on opposite side of railway line – altogether unattractive location – local shopping centre nearby
- 1.3 Inspection:  
The property is of brick and tile construction – some slipped tiles – external woodwork poor (better at rear). Windows and front door ill fitting and draughty – front door directly into front living room. Some rising and/or penetrating damp – leaky skylight. Heating by tenants' gas appliances. Two small living rooms and galley kitchen serving as corridor to ground floor bathroom. Some cupboards by predecessor tenant. Felt roof over bathroom extension poor. Bedrooms small with sloping ceilings and on level of railway track – only one double. Electrics modern but insufficient power sockets. All carpets, curtains and white goods by tenants. Interior generally kept in reasonable condition by tenants – gardens attractive and well cared for.

## **2. THE TENANCY**

- 2.1      Tenancy commenced:                      1 January 2000 (succession from Miss Bunce's mother)  
            Period of tenancy:                      Weekly  
            Noteworthy terms:                      None  
            Landlord & Tenant Act 1985 s.11 applies

## **3. THE APPEAL**

- 3.1      Date of landlord's section 13 notice:      16 March 2003  
            This was the first increase since:      1 March 2002  
            Date of tenants section 14 application: 18 March 2003  
            Hearing:                                      Yes

## **4. THE PARTIES' RESPECTIVE CASES**

- 4.1      See written representations on file. Landlord submits property is comfortable and adequate for needs of tenants. It is well located back from the main road and near the station. Railway noise is hardly noticeable because the railway is on an embankment. Some prospective tenants would regard the unusually large garden as a bonus. The property is mortgaged and the mortgagees expect an open market rent. Enquiries of local estate agents suggest that a reasonable rent for this type of property in this location would be £1,000 p.c.m. Only asking for £800 p.c.m. Produce advertisements for "similar" properties in the locality.
- 4.2      Tenant submits that property is substandard, being without central heating or double-glazing and not generally in good repair and condition. The rooms are generally small and the third bedroom is very small. Water pressure is poor. Many prospective tenants would regard it as a drawback that they were responsible for maintaining the large garden. There are few comparable properties in Debden. Property is located on the edge of an industrial area near a Council estate. It is necessary to rent a garage at a cost of £30 p.c.m. because the car has been vandalised twice while parked in the street. Do not receive housing benefit. Feel £500 p.c.m. is reasonable.

## **5. THE LAW**

- 5.1      In general terms, the task of the Committee under the provisions of section 14 of the Housing Act 1988 is to determine the rent at which the dwelling-house concerned might reasonably be expected to be let in the open market by a willing landlord. It follows that the personal circumstances of the parties are irrelevant.
- 5.2      The Committee must disregard any effect on the rent attributable to the granting of a tenancy to a sitting tenant, any increase in value attributable to "relevant" tenants' improvements and any reduction in value attributable to a failure by the tenant to comply with any terms of the tenancy. Full Reasons (if requested) will set out the relevant legal principles in detail.

6. - **THE DECISION**

6.1 Summary of findings and conclusions:-

6.1.1 The landlord's evidence appears to show that there are no directly comparable properties currently advertised in the immediate locality. A view expressed without an inspection by an estate agent who did not appear before the Committee is of little weight. The property particulars produced by the landlord give a general picture only. The Committee notes that the property is small, poorly laid out, only partially modernised and not in very good structural condition. The Committee considers the location to be poor, though convenient for public transport and shopping.

6.1.2 The Committee's own knowledge and experience leads to the conclusion that the open market rental value of the subject property, if let fully modernised and on good order throughout, with carpets, curtains and white goods, would be £800 p.c.m. From this figure the Committee deducts 10% for lack of central heating, 2.5% for slightly substandard kitchen and bathroom. 7.5% for lack of carpets, curtains and white goods and 5% for general disrepair. This is a total of 25%, leading to an adjusted open market rental of £600 p.c.m. or – rounding slightly - £140 per week.

6.2.1 Tenant's improvements (to be disregarded) have been stripped out in the above exercise, so that there is no need to make a separate deduction.

6.2.2 Service charges (not to be included)	None
Rates/water rates (to be deducted)	None
Reasonable open market rent	£140 per week
Undue hardship to tenant:	Not argued by tenants - none
Date rent takes effect:	17 April 2003



**Geraint M Jones MA LLM (Cantab)**  
**Chairman**

**Note:** This is a summary of the Committee's reasons for its decision. Should you require more detailed reasons, they can be supplied but only if a written request is received by the Panel Office within 21 days from receipt of this document. The papers will then be returned to the Chair for such detailed reasons to be prepared.