

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

### **Address of Premises**

6 Kelby House  
Sutterton Street  
London  
N7 9DB

### **The Committee members were**

Mrs S O'Sullivan  
Mrs S F Redmond BSc (Econ) MRICS  
Ms S Wilby

### **1. Background**

On 1 November 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 25 July 2006 for a term of 3 years.

The current rent is £1,386.67 per month.

### **2. Inspection**

The Committee inspected the property on 8 December 2006 and found it to be in good condition.

The ground floor accommodation comprised entrance hall, kitchen, small internal living room with access to rear living room. The rear living room has patio doors leading to the enclosed rear garden.

### **3. Evidence**

The committee received written representations from the tenant and these were copied to the party. No written representations were received from the landlord.

A hearing was held at 11.30am on 8 December 2006 at Alfred Place at which oral representations were made by/on behalf of the landlord and/tenant.

### **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 the requirements of section 22(3) are satisfied. 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 Islington. Having done so the Committee determined that the rent at which it considers that the subject property might reasonably be expected to be let under the assured shorthold tenancy is £280 per week.

This rent will take effect from 8 December 2006 being a date not earlier than the date of the application.

Chairman            E Samupfonda

Dated                8 December 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.