

REASONS FOR THE DECISION OF A RENT ASSESSMENT COMMITTEE

Housing Act 1988 Section 22

Address of Property

48a North Street
Bridgtown
Cannock
Staffordshire
WS11 0BA

Members of Committee:-

Mr. J.H.L. de Waal
Mr. R.H.S. Cooper FRICS
Mrs Norma Jukes

Landlord

Pritchard Properties Limited

Tenant

Mr. G. Palmer

Date of decision

3rd October 2006

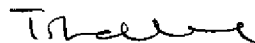
DECISION ON JURISDICTION

1. On 30th May 2006 the Tenant, Mr. Palmer, applied under section 22 of the Housing Act 1988 ("the Act") for a determination of the rent payable under his tenancy of 48a North Street, Bridgtown, Cannock, Staffordshire WS11 0BA ("the Property").
2. The tenancy in question commenced on 17th November 1993 for a period of six months. Following the expiry of his contractual tenancy Mr. Palmer remained in occupation of the Property as a statutory periodic tenant.

3. Mr. Palmer supplied the Tribunal with a copy of an Assured Shorthold Tenancy Agreement dated 3rd May 2006 in which the rent was specified to be £281.67 per month. It was this rent that Mr. Palmer considered to be excessive. The Tenancy Agreement had been signed on behalf of the Landlord, Pritchard Properties Ltd., but not by Mr. Palmer.
4. At the hearing in Cannock on 3rd October 2006 both Mr. Palmer and the Landlord's representative Mr. Salmon confirmed that Mr. Palmer had not in fact signed this Tenancy Agreement.
5. By section 22(2)(aa) a Rent Assessment Committee has jurisdiction to determine the rent which, in the committee's opinion, the landlord might reasonably be expected to obtain under the assured shorthold tenancy, but only if six months or less have elapsed since the beginning of the tenancy.
6. In this case because Mr. Palmer had not signed the Tenancy Agreement the proposed new tenancy of the Property had not in fact begun at all. He therefore remained in occupation as a statutory periodic tenant under the terms of the original Assured Shorthold Tenancy of 17th November 1993.
7. In the circumstances the Committee did not have jurisdiction to consider Mr. Palmer's application under s22 of the Act and we dismissed it.

8/11/06
.....

Date


.....

John de Waal
Chairman, Midland Rent
Assessment Committee