
STATUTORY INSTRUMENTS

2006 No. 1459

The Private Tenancies (Northern Ireland) Order 2006

PART IV

CERTIFICATES OF FITNESS AND RENT CONTROL

CHAPTER III

TENANCIES SUBJECT TO RENT CONTROL

Functions of the rent officer and rent assessment committees

Determination of an appropriate rent

42.—(1) Where the rent officer is satisfied that a dwelling-house is, or is to be, let under a controlled tenancy the rent officer shall make a determination as to what rent is or would be an appropriate rent under that tenancy.

(2) In making a determination under paragraph (1), the rent officer shall consider all the circumstances (other than personal circumstances).

(3) In particular, the rent officer shall have regard to—

- (a) the terms of the tenancy agreement (except those as to rent) which apply to that controlled tenancy;
- (b) the general condition and state of repair of the dwelling-house, including—
 - (i) any notice of unfitness or notice of disrepair having effect in respect of the dwelling-house, and
 - (ii) the certificate of fitness or notice of refusal having effect in respect of the dwelling-house;
- (c) the rents of dwelling-houses let by the Executive which are comparable, or as comparable as may be, to the dwelling-house in question;
- (d) the level of the local reference rent (as determined in accordance with paragraph 4 of Schedule 1A to the Housing Benefit (General) Regulations (Northern Ireland) 1987 (SR 1987 No. 461)) of similar dwelling-houses let under similar tenancies; and
- (e) if any furniture is provided for use under the tenancy, the quantity, quality and condition of the furniture.

(4) For the purposes of the determination it shall be assumed that the number of persons seeking to become tenants of similar dwelling-houses in the locality on the terms (other than those relating to rent) of the controlled tenancy is not substantially greater than the number of such dwelling-houses in the locality which are available for letting on such terms.

(5) There shall be disregarded—

- (a) any disrepair or other defect attributable to a failure by the tenant, or any predecessor in title of his, to comply with any terms of the tenancy;

- (b) any improvement carried out, otherwise than in pursuance of the terms of the tenancy, by the tenant or any predecessor in title of his.
- (6) In paragraph (5) “improvement” includes the replacement of any fixture or fitting.
- (7) For the purposes of this Article the rent officer may make such enquiries as he considers appropriate.

Changes to legislation:

There are currently no known outstanding effects for the The Private Tenancies (Northern Ireland) Order 2006, Section 42.