



FIRST - TIER TRIBUNAL

PROPERTY CHAMBER

(RESIDENTIAL PROPERTY)

Case Reference : **BIR/17UK/F77/2019/0021**

Property : **1, Ladle End Lane, Walton on Trent,
Derbyshire. DE12 8NE**

Applicant : **Northumberland and Durham
Property Trust Ltd**

**Applicant's
Representative** : **Grainger plc**

Respondent : **Mrs M.E. Horne BEM**

**Respondent's
Representative** : **None**

Application : **Application for determination of fair rent
Under s70 Rent Act 1977 and the Rent Acts
(Maximum Fair Rent) Order 1999**

Tribunal : **Tribunal Judge P. J. Ellis.
Tribunal Member Anthea Rawlence.**

**Date of Inspection
And Decision** : **09 July 2019**

Date Reasons Issued : **25 July 2019**

DECISION

Introduction

1. On 09 July 2019 the Tribunal inspected 1 Ladle End Lane, Walton on Trent, Derbyshire DE12 8NE(the Property) in response to an application by Grainger plc on behalf of the Northumberland and Durham Property Trust plc from a decision of the rent officer to determine a fair rent.
2. The rent officer determined the rent for the Property in the sum of £90.00 per week with effect from 1 May 2019. Before the rent officer's determination the rent had been £86.00pw. Following objection to the rent registered the matter was referred to the Tribunal on 3 June 2019
3. Mrs M. E. Horne is the regulated tenant of the Property. She has lived in the Property for many years. The Tribunal made its determination after the inspection and issued it to the parties on 9 July 2019. By letter dated 12 July 2019 the Respondent asked the Tribunal for its reasons for the decision.
4. The Tribunal received a brief submission from the Applicant including two comparables and a short submission from Mrs Horne without any comparable evidence in support. Her evidence was restricted to a description of work undertaken by her throughout her tenancy.
5. Mr Ryan Tucker Portfolio Manager of Grainger plc attended the inspection but made no further submissions. Mrs Horne was present during the inspection.

The Property

6. The property was a two bedroom semi-detached cottage constructed of rendered brick under a tile roof with an extension to the rear and a conservatory at the side. It had double glazed windows and gas central heating.
7. The accommodation provided Conservatory, Living/Dining Room, Kitchen, Hall, Ground Floor Bathroom and Two First Floor Double Bedrooms.

8. There was a small garden at the side and a larger garden and garage on the other side of Ladle End Lane.
9. The roof of the entire terrace was replaced three years ago but flashing to the subject property chimney was inadequate leading to some ingress of damp in one bedroom. Cracked render was also noted on the front elevation. A conservatory of part brick and wooden window frames was added some years ago. The window frames showed some signs of rot.
10. A garage and garden are located across Ladle End Lane which is a narrow lane cul de sac. Its surface is not tarmac coated.

The Parties Submissions

11. The Applicant contended the rent should be £103.20 per week having regard to other properties within the same geographical location and comparable market tenancies available through local agents. However, the Applicant asserted there is a fairly limited supply of rented accommodation available within the immediate location of the Property.
12. It identified two properties as comparable namely
 - a. Hill Street Burton on Trent a two bedroom semi-detached house offered at £575.00pcm (£133.00pw)
 - b. Hawthorn Crescent, Stapenhill also a two bedroom semi-detached house offered at £615.00pcm (£142.00pw).

Both comparable properties had the benefit of modernised bathroom & kitchen, floor coverings, white goods and garage for which it conceded a discount of £25.00pw from the suggested market rent of £133.00 for the subject Property. The Applicant then deducted a further £4.80 to deduce its suggested rent of £103.20pw.

13. Mrs Horne did not adduce any evidence of comparable properties but made a submission regarding work carried out at the Property by her or paid for by

her. There was no dispute that over the years Mrs Horne had carried out the improvements and items of maintenance and repair which were described to the Tribunal on the inspection. They were as follows:

Kitchen units, electric shower and tiling, bathroom cupboard, fitted wardrobes in Bedroom 2, new skirting board in Living/Dining Room and both Bedrooms, cupboard in the passage leading to the Bathroom, 2 new internal doors, radiator in the Conservatory and partial loft insulation over the Kitchen and Bathroom. The Tenant had also added a trim to the conservatory, greenhouse, garden shed, outside light and outside tap.

Also Mrs Horne owned the carpets and curtains and white goods with the exception of the cooker

Decision

14. The Tribunal accepted the Applicants submission that there were few properties available for rent within the immediate location of the Property. Having reviewed the Applicants comparables and identified further properties of its own it also accepted that the market rent for a two bedroom property in the area was £132.50pw.

15. Adjustments by deduction made by the Tribunal :

a. Carpets & Curtains	8.50
b. White Goods	4.00
c. Shower & tiling	1.50
d. Sundry maintenance and minor improvements and repair	7.50
e. ground floor bathroom	5.00
f. Decorating liability not less than 5%	7.00

Total for adjustments 33.50

Adjusted weekly rent before scarcity 99.00

Scarcity 10% £10.00 89.00

Add for garage and conservatory 3.00

Rent before Capping 92.00

16. The Tribunal determined the maximum fair rent at the sum of £92.00 pw and rejects the Applicants suggestion the rent should be £103.20.

Appeal

17. If either of the parties is dissatisfied with this decision they may apply to this Tribunal for permission to appeal to the Upper Tribunal (Lands Chamber) on a question of law only. Any such application must be received within 28 days after these written reasons have been sent to them rule 52 of The Tribunal Procedure (First-tier Tribunal)(Property Chamber) Rules 2013).

Judge PJ Ellis

Chair