



**FIRST-TIER TRIBUNAL  
PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)**

**Case reference** : **CAM/33UH/F77/2019/0020**

**Property** : **65 Richmond Road, Costessey,  
Norwich NR5 0PW**

**Applicant** : **Mrs H Unsworth-Mitchell**

**Representative** : **In person**

**Respondent** : **Places for People**

**Representative** : **Not attending**

**Type of application** : **Determination of a fair rent under  
s.70 Rent Act 1977**

**Tribunal member(s)** : **Judge S Evans  
Mrs M Hardman FRICS IRRV  
(Hons)**

**Date and venue of  
hearing** : **29 July 2019, Norwich SSCS  
Tribunal, NR1 3PL**

**Date of decision** : **12 August 2019**

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**DECISION**

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**Decision of the Tribunal**

**The Tribunal determines a Fair Rent of £606.50 per calendar month inclusive of £53.63 per calendar month attributable to services. The Uncapped rent is £615 per calendar month.**

### **The application**

1. The Applicant Mrs Helen Unsworth-Mitchell seeks a determination pursuant to s.70 of the Rent Act 1977 of a Fair Rent.

### **The law applied**

2. The basis of determination of a Fair Rent is set out in section 70. It can be summarised as market rent less “the statutory disregards” and “scarcity”. In practice this means that it is necessary to start with the market rent for a similar type of property but then make any relevant adjustments to reflect differences between that and the subject property, before adjusting for the disregards and then scarcity. (See e.g. *Spath Holme Ltd v Greater Manchester and Lancashire RAC (No1)* (1996) 28 HLR 107 CA; *Curtis v London FTT* [1998] 3 WLR 1427 CA and *Northumberland and Durham Property Trust Ltd v London FTT and Borkowski* (1999) 31 HLR 109 QBD).
3. Section 70(1) requires the Tribunal to have regard to the locality of the property and section 70(2) requires an assumption that there is no scarcity in the locality.
4. Fair rents are subject to a capping procedure under The Rent Acts (Maximum Fair Rent) Order 1999, which limits increases by a formula based on the proportional increase in the Retail Price Index since the previous registration. There are exemptions for first time registrations and where the rental value (as part of a fair rent) of repairs or improvements has resulted in an increase in a fair rent of at least 15% above the previous limit.

### **The property**

5. The Tribunal inspected the property on 29<sup>th</sup> July 2019 in the presence of the Applicant, Mrs Helen Unsworth-Mitchell. No representative from the Respondent landlord attended.
6. The property is an end of terrace house of modern traditional construction, built before the start of the tenancy on or about 8<sup>th</sup> November 1983. The property has a small garden to the front and a modest garden to the rear.
7. On the ground floor there is a separate WC, a kitchen, and living room. On the first floor there are 3 bedrooms and a bathroom.

### **The location**

8. The property is located in the New Costessey area of Norwich. It is situated on an estate of fairly typical modern social housing. The estate appears relatively well looked after.

### **The tenancy**

9. No tenancy agreement was provided to the Tribunal. On the information before us, the tenancy commenced on or about 8<sup>th</sup> November 1983. The landlord is subject to the implied repairing covenants of s.11 of the Landlord and Tenant Act 1985, and the tenant is responsible for minor internal repairs and internal decoration.
10. The last rent registered was £544.50 pcm (inclusive of £29.96 pcm fixed services) pursuant to a Tribunal decision dated 6<sup>th</sup> July 2017 (CAM/33UH/F77/2017/0016).

### **The facilities**

11. No carpets, curtains or white goods are provided by the landlord. The property has the benefit of central heating. The electric heater in the living room remains.
12. The bathroom has recently had the bath removed and replaced by a level access shower, which works were funded by a Disabled Facilities Grant via the local authority to the tenant.
13. A stairlift provides access to the first floor.

### **The hearing**

14. At the hearing Mrs Unsworth-Mitchell expressed the following concerns about the property:
  - (1) The exterior of the flank elevation wall had a small area of missing pointing and some bricks were not straight;
  - (2) The rose garden opposite the property had died and a tree at the side had been chopped down;
  - (3) Third parties were wont to park in her car parking space;
  - (4) For some time an orange cone outside the property near the car park had marked a place where a bollard should have been (now installed);
  - (5) The boundary wall to the rear garden on the alley side was blackened, she stated by the effects of damp/mould;
  - (6) There had been a leak in the WC in the last 2 years which had taken some time for the landlord to remedy;
  - (7) The kitchen did not have much storage;
  - (8) The central outlet to the stainless steel sink habitually blocked;

- (9) There was a wall vent in the living room to the rear garden;
- (10) The fusebox was sometimes faulty;
- (11) Double-glazing in bedroom 2 was awkward to open.
- (12) There was a defective living room door handle.
15. The Tribunal also considered Mrs Unsworth-Mitchell's written representations dated 27<sup>th</sup> May 2019 and 21<sup>st</sup> June 2019.
16. The landlord did not appear, nor was it represented. The Tribunal considered a letter from Cotman HA (a member of Places for People) to the tenant dated 28<sup>th</sup> May 2019 in which it indicated it proposed to charge a rent of only £414.34 per calendar month (inclusive of £53.63 pcm service charge), seemingly for the next 2 years.
17. The material before the Tribunal included a Fair Rent Valuation Sheet dated 6<sup>th</sup> July 2019, and a Places for People Homes Secure Service Charge breakdown, which evidenced that the total service charge is now a fixed £53.63 pcm, of which £25.61 relates to (stair)lift breakdown cover.
18. Neither party provided rental values of comparable properties. Therefore the Tribunal used the knowledge and experience of its members. The Tribunal determined that the rent for the property, taking into account the location, in good condition with a garden and allocated parking, with modern facilities and let with carpets, curtains and white goods on an Assured Shorthold Tenancy on the same terms would be £730 per month.
19. The Tribunal made a global deduction of £115 per month to take account of the basic kitchen, functional but basic wet room (which was not considered to be a material improvement) and the lack of floor coverings and white goods which are provided in most comparable properties let on Assured Shorthold lettings. It should be noted that this figure cannot be a simple arithmetical calculation and is not based specifically upon capital cost but is the Tribunal's estimate of the amount by which the rent would have to be reduced to attract a tenant.
20. Whilst appreciating that the matters in paragraphs 14 and 15 above are of concern to Mrs Unsworth-Mitchell, the Tribunal did not consider they impacted in any substantial way on the valuation exercise to be undertaken.
21. The Tribunal found no evidence to displace the assumption that there is no scarcity in the locality. The Tribunal relied on its own experience and knowledge in this regard.

### **Tribunal's calculations**

Market Rent: £ 730.00 per month  
Less global deduction £ 115.00

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Adjusted Market Rent £ 615.00

This is the uncapped Fair Rent figure.

22. The Tribunal is required to register a capped Fair Rent if on application of The Rent Acts (Maximum Fair Rent) Order 1999 a lower figure is obtained.
23. The capped rent in this case is £606.50 per calendar month (inclusive of £53.63 per calendar month fixed services). The attached form FR27 gives details of the calculation.
24. The rent charged may not exceed this amount but a lesser charge may be made. The Tribunal notes that historically a lower amount than the registered rent has been charged by the Respondent, and that its letter of 29<sup>th</sup> May 2019 would appear to indicate an intention to do so for the next 2 years.

**Name:**

**Date:**

**12/8/19**

**Caution:** The Tribunal inspected the property for the purposes of reaching its decision. The inspection was not a structural survey and any comments about the condition of the property in this summary statement must not be relied on as a guide to the structural or other condition of the property.

#### **APPENDIX - RIGHTS OF APPEAL**

1. If a party wishes to appeal the decision to the Upper Tribunal (Lands Chamber) then a written application for permission must be made to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application for permission to appeal must arrive at the Regional office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.
3. If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal, and state the result the party making the application is seeking.