



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

<b>Case Reference</b>	<b>:</b> <b>MAN/ooBS/MNR/2019/0040</b>
<b>Property</b>	<b>:</b> <b>146 Bramhall Lane South, Bramhall Stockport, SK7 2ED</b>
<b>Landlord</b>	<b>:</b> <b>Northumberland &amp; Durham Property Trust Ltd</b>
<b>Representative:</b>	<b>:</b> <b>Grainger Residential Management Ltd</b>
<b>Tenant</b>	<b>:</b> <b>Mr Neil Bennett</b>
<b>Type of Application</b>	<b>:</b> <b>Determination of a market rent under The Housing Act 1988 Section 13</b>
<b>Tribunal Members</b>	<b>:</b> <b>Mrs AJ Rawlence MRICS (Chair) Mrs H Clayton JP</b>
<b>Date of Decision</b>	<b>:</b> <b>19 July 2019</b>
<b>Date of Reasons</b>	<b>:</b> <b>23 August 2019</b>

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**STATEMENT OF REASONS**

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## **Background**

1. This is an application dated 21 May 2019 to the First-tier Tribunal – Property Chamber by the Tenant of the above property Mr Neil Bennett under section 13(4) of the Housing Act 1988 (“the Act”), referring a notice served on him by the Landlord, Northumberland and Durham Property Trust Ltd, proposing a new rent of £175.00 per week in place of the existing rent of £160.00 per week.
2. The Landlord’s notice was dated 12 April 2019 and the date inserted in the notice for the commencement of the new rent was 31 May 2019.
3. The tenancy under which Mr Bennett occupies the property is a periodic tenancy which commenced on 22 February 2013.

## **Inspection**

4. The Tribunal inspected the Property on 19 July 2019. The Tribunal were accompanied by the Tenant and the Landlord’s agent.
5. The property was a three bedroom detached house with double glazing, central heating and a garage. It was situated next to a commercial property belonging to BT Openreach and had previously been occupied by the tenant’s parents under a GPO tenancy.
6. The accommodation provided Hall, Front and Rear Living Rooms, small Kitchen with pantry and store. At first floor were two Double Bedrooms, one Single Bedroom and Bathroom with original basin.
7. The white goods were provided by the Tenant and central heating had been installed by the Tenant’s mother under a grant scheme. The Landlord has subsequently replaced the boiler and maintained the heating system.
8. The Tenant had supplied all the carpets, curtains and furniture.
9. The Property had gardens to the front and rear and vehicular access to the garage at the side.
10. The Tribunal noted the following items of disrepair:

The property had been partially rewired in 2012 with a new circuit board. There were only single sockets in each Bedroom. The agent noted that a 5 year review was due. Cracks were noted above the door of the rear Living room and there was evidence of movement in the bay extension to the Kitchen.  
Defective plaster under window on the stairs  
Crack in the corner of the Double Bedroom  
Poor condition of garage

Defective downpipe on the Rear Elevation and two stepped fractures, one by the Rear Living Room and a larger one by the store.  
Debris in the gutter on the Front Elevation

### **Tenant's works**

11. The Tenant had carried out the following works:

Worktop in the Kitchen

### **Written representations**

12. No written representations were made the Tenant.

13. The Landlord sent written representation dated 13 June 2019 where evidence was provided of four bedroom detached houses in the area. One property had recently been let at £1,400 per calendar month but the remaining two properties were still on the market at £3,200 and £3,000 respectively.

### **The Law**

14. In accordance with the terms of section 14 of the Act the Tribunal proceeded to determine the rent at which it considered that the subject property might reasonably be expected to let on the open market by a willing Landlord under an assured tenancy.

15. In so doing the Tribunal, as required by section 14(1), ignored the effect on the rental value of any relevant Tenant's improvements, as defined in section 14 (2).

### **The Decision**

16. The Tribunal's decision was sent to both parties.

17. By letters dated 12 August 2019 both parties requested a statement of reasons.

### **Reasons for the Decision**

18. In the first instance the Tribunal determined what rent the Landlord could reasonably be expected to obtain for the property in the open market if it were let today in the condition that is considered usual for such an open market letting. It did this by having regard to the evidence supplied by the Landlord and Tribunal's own general knowledge of market rent levels. The Tribunal concluded that such a likely market rent would be £300.00 per week.

19. However, the actual property is not in the condition considered usual for a modern letting at a market rent. Therefore, it was first necessary to adjust that hypothetical rent of £300.00 per week to allow for the differences between the condition considered usual for such a letting and the condition of the actual property as observed by the Tribunal

(disregarding the effect of any disrepair or other defect attributable to the Tenants or any predecessor in title). The Tribunal considered that this required a deduction of £30.00 per week in respect of the carpets, curtains and white goods which were provided by the Tenant and a deduction of £50.00 per week to reflect the small basic Kitchen and unmodernised Bathroom. The Tribunal made a further deduction of £45.00 to reflect lack of modern sockets and items of disrepair.

20. The Tribunal therefore confirmed that the rent at which the property might reasonably be expected to be let on the open market would be £175 per week.

21. This rent will take effect from 31 May 2019 being the date specified in the notice.

22. If either party is dissatisfied with this decision, they may apply for permission to appeal to the Upper Tribunal (Lands Chamber), on a point of law only. Any such application must be made to the First-tier Tribunal within 28 days of this decision (Rule 52 (2) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013.

Anthea J Rawlence  
Chair

23 August 2019