



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

Case Reference : **CHI/00MR/MNR/2019/0054**

Property : **Flat 4, Clarendon Court
Clarendon Road
Portsmouth
PO5 2PD**

Type of Application : **Determination of open market rent:
S.14 Housing Act 1988**

Tenant : **Mr Alan Melentjev**

Represented by : **In person**

Landlord : **South Coast Furnishing Co. Ltd.**

Represented by : **Dack Property Management Co. Ltd.**

Date and Venue of Hearing : **02 October 2019
Havant Justice Centre**

Date of Decision : **02 October 2019**

Tribunal Members : **Mr B H R Simms FRICS (Chairman)
Mr D Banfield FRICS**

REASONS FOR THE DECISION

Background

1. By an application dated 26 July 2019 Mr Alan Melentjev, the Tenant, referred to the Tribunal a Notice of Increase of rent served by the Landlord's agent, Dack Property Management Ltd, under section 13 of the Housing Act 1988 dated 18 July 2019. The notice proposed a rent of £700.00 per calendar month ("pcm") with effect from 27 August 2019 in place of the passing rent of £675.00 pcm.
2. The Tenancy agreement [a copy being provided to the Tribunal] is undated and is between South Coast Furnishing Company Limited, the Landlord, and Mr Alan Melentjev, the Tenant, for a term of 6 months from 27 August 2017 to 26 February 2018 and the Tenant is holding over on a monthly tenancy. The tenant is responsible for keeping the inside of the property in the same condition as recorded in the Inventory and Schedule of Condition throughout the term or any extension of it. [N.B. The Tribunal was not provided with a copy of the Inventory & Schedule.] The Landlord is responsible for all other repairs and decorations subject to S.11 L & T Act 1985.
3. The Tribunal issued Directions dated 12 August 2019 informing the parties that the Tribunal intended to determine the rent on the basis of an inspection of the property and written representations subject to the parties requesting an oral hearing. The Tenant when completing reply form MR04 requested an oral hearing and the parties were informed of the date and time.

Inspection

4. The Tribunal members inspected the property on 02 October 2019 as arranged accompanied by the Tenant (The Landlord was not represented), the weather was fine and sunny.
5. The property comprises a purpose-built ground floor flat approached by common hallways in a four-storey block located in a residential area not far from the sea front.
6. The accommodation comprises: Entrance Hall; Living Room; Kitchen with sink worktops and cupboards; Two Bedrooms; Bathroom with panelled bath, washbasin and low-level W.C. There is no outside amenity space or parking.
7. The property is in reasonable repair although there is condensation mould in the bathroom. Some floor coverings and white goods have been provided by the tenant. There is central heating provided by a combination gas boiler and radiators.

Hearing and Representations

8. The Hearing took place at Havant Justice Centre but only the Tenant was present.
9. Neither party made any written representations but in his application the Tenant referred to the need for him to redecorate in order to deal with mould on the walls of the flat. At the hearing Mr Melentjev explained that there had been numerous repair issues that he had referred to the managing agent which were either not dealt with or took too long to resolve.

10. He says that the electric shower is inefficient, the hot water temperature control on the boiler doesn't work and the front door lock has only recently been repaired after a long wait.
11. The Tenant explained that most flats available to let in the locality would be provided with white goods and carpets in order to command the rent demanded. In this case the white goods are all his and he has had to clean the carpets and supply some new floor coverings.
12. The Tenant thinks that the rent should reduce to £650.00 pcm.

The Law and Valuation

13. The Tribunal is required to determine the rent at which the subject property might reasonably be expected to be let in the open market by a willing Landlord under an assured tenancy. The personal circumstances of the Landlord or the Tenant cannot be relevant to this issue and have not been taken into account.
14. Thus in the first instance the Tribunal determined what rent the Landlord could reasonably be expected to obtain for the property with central heating in the open market if it were let today on the terms and in the condition that is considered usual for such an open market letting.
15. Neither party supplied evidence in support of a rental valuation however using its own knowledge and experience the Tribunal concluded that an appropriate open market rental value for the flat would be £700.00 pcm. This rental reflects the usual situation in this locality where floor coverings and white goods are supplied by the landlord as would be the case with the majority of comparable properties.
16. This rent needs to be adjusted to take account of the condensation problems and the lack of white goods and modern floor coverings. We allocate £25.00 pcm for these deficiencies. (These allowances represents our opinion of the lower bid that would be made by a hypothetical tenant considering renting the flat in its current condition compared to one in good order with satisfactory amenities).
17. This leaves a net market rent of £675.00 pcm (£700 less £25).

Determination

18. The Tribunal therefore decided that the rent at which the subject flat might reasonably be expected to be let in the open market by a willing Landlord under the terms of this assured tenancy was £675 per calendar month.
19. The Tribunal directs the rent of **£675.00 per calendar month** is to take effect from **27 August 2019** being the date specified in the Landlord's notice as stated on the decision form.

Brandon H R Simms (Chairman)

02 October 2019

PERMISSION TO APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) on a point of law must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28-day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.