



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

Case Reference : **LON/00AB/MNR/2019/0129**

Property : **590 Goresbrook Road, Dagenham,
Essex RM9 4XD**

Landlord : **Mr James Brand**

Tenant : **Ms Roberta Staugaite**

Type of Application : **Decision in relation to section 14 of
the Housing Act 1988**

Tribunal Members : **Mr Jeremy Donegan (Tribunal
Judge)
Mrs Alison Flynn MA MRICS
(Valuer Member)**

Date of Reasons : **02 December 2019**

**REASTONS FOR THE TRIBUNAL'S DECISION DATED 29
NOVEMBER 2019**

1. Background

- (a) The application relates to 590 Goresbrook Road, Dagenham, Essex RM9 4XD ('the Property'). On 23 September 2019 the Tribunal received an application from the Tenant, referring a notice of increase of rent served by the Landlord under section 13 of the Housing Act 1988 ('the 1988 Act').
- (b) The Landlord's notice, which proposed a rent of £1,350 per month with effect from 25 September 2019, was dated 02 August 2019. The tenancy is a statutory periodic tenancy, which arose on the expiry of a fixed term assured shorthold tenancy. The rent at the date of the notice was £1,100 per month.
- (c) The Tribunal issued directions on 24 September 2019. The Landlord complied with direction 1, which required him to file and serve his statement and evidence by 18 October 2019. The Tenant did not serve a statement or any evidence. These were due by 01 November 2019, pursuant to direction 2.

2. Hearing

- (a) A hearing took place on the morning of 29 November 2019, at the request of the Tenant. The Tenant appeared in person but was assisted by a friend, Ms Kasparaviciute. The Landlord also appeared in person and was assisted by Ms Kent.
- (b) Ms Kasparaviciute sought to rely on documents that had not been disclosed previously, being evidence of rents achieved for other properties. She acknowledged these should have been served by 01 November but explained that the Tenant had been unwell. She relied on a medical certificate dated 21 August 2019 and a prescription packet stamped 24 September 2019, as evidence of this ill-health. The Landlord and Ms Kent opposed the late production of the documents.
- (c) After a short adjournment, the Judge informed the parties that the Tenant's documents would not be admitted. These should have been served by 01 November and their late production would prejudice the Landlord. Further, there had been no application to extend this deadline and the medical certificate and prescription packet were of little evidential value, as they dated back some time.
- (d) The Judge stressed that the Tribunal members would not restrict their consideration to the Landlord's documents. Rather, they would also take account of the condition of the Property and apply their knowledge and experience of local rents.
- (e) Ms Kasparaviciute acknowledged there should be some increase in the rent but suggested this should be limited of £50, which would give a

new figure of £1,150. She stated that this sum had been offered to the Landlord but rejected.

- (f) The Landlord's bundle included Rightmove listings for various other two-bedroom properties in Dagenham. The asking rents ranged from £1,325 to £1,475 per month. On questioning from the Tribunal, Ms Kent accepted these were asking figures; rather than rents achieved. However, there was evidence of the rent achieved for the adjacent house at 592 Goresbrook Road, which also belongs to the Landlord. His bundle included a copy of a tenancy agreement for 592 dated 10 April 2019, showing the rent as £1,150 per month. He explained that it is smaller than the Property, having only one bedroom and a small courtyard.
- (g) Ms Kent also accepted that one of the Landlord's comparables (Chaplin Road) should achieve a higher rent, as it has a conservatory. The asking rent for this property was £1,475 per month.
- (h) Ms Kent also pointed out that the Tenant had lived at the Property for 10 years and the rent had only increased by £225 during this period, which equates to £22.50 per year.
- (i) Ms Kasparvicate submitted that internal condition of the Landlord's comparables were superior and pointed out that the Tenant had redecorated the interior of the Property. The Landlord disputed the extent to which he had consented to this redecoration.

3. Inspection

- (a) The Tribunal inspected the Property on 29 November 2019, following the hearing, in the presence of Tenant, the Landlord and Ms Kent.
- (b) The Property is a two-storey, mid terrace house with pebble-dashed rendering to the front elevation and double-glazed UPVC windows. There is a small paved garden to the front and a larger paved garden to the rear. There is no garage or parking space. The Property is centrally heated throughout. The first floor carpets were fitted by the Tenant.
- (c) The accommodation comprises a through living room plus kitchen on the ground floor with two double bedrooms and a bathroom/WC on the first floor. The rear garden is accessed from the kitchen.
- (d) Generally, the Property was in reasonable condition. The bathroom would benefit from updating and there were loose sections of laminate flooring in the kitchen. The fencing in the rear garden was in poor condition with one missing panel.
- (e) The adjacent house at 592 Goresbrook Road is in much better condition, with a modern, white rendered exterior. It was only viewed

externally but is clearly much smaller. It does benefit from its own parking space.

4. The law

- (a) In accordance with the terms of section 14 of the 1988 Act the Tribunal proceeded to determine the rent at which it considered that the Property might reasonably be expected to be let on the open market by a willing landlord under an assured tenancy.
- (b) In so doing the Tribunal, as required by section 14(1), ignored the effect on the rental value of the Property of any relevant tenant's improvements as defined in section 14(2).
- (c) Section 39 of the 1988 Act provides that a tenancy by succession takes effect in possession immediately after the death of the protected or statutory tenant on the same terms including the terms as to the periods of the tenancy as those of the protected statutory tenancy.
- (d) In coming to its decision, the Tribunal had regard to the inspection of the Property, the representations made by both parties and the comparables put forward by the Landlord. The Tribunal also used its own knowledge and experience of rental values in the local area.

5. Valuation

- (a) The Tribunal concluded that the rent at which the Property might reasonably be expected to be let on the open market would be £1,350 per calendar month. In coming to this figure, the Tribunal had regard to the rent achieved for 592 Goresbrook Road (£1,150 per month), which is much smaller and has less outside space. The rent for the Property should be higher than this figure but at the lower end of the other comparables.
- (b) However, to make allowances for the condition of the Property as found on the inspection, particularly the bathroom, kitchen and rear garden fencing, the Tribunal considered a deduction of £135 per calendar month (10%) was appropriate. This deduction also takes account of the Tenant's fitting of the first floor carpets. No adjustment was appropriate for the internal redecoration of the Property.
- (c) The adjusted rent therefore amounts to £1,215 per calendar month.

6. The decision

- (a) The Tribunal therefore concluded that the rent at which the Property might reasonably be expected to be let on the open market would be £1,215 per month.

- (b) There were no representations as to hardship and the new rent will take effect from 25 September 2019, being the date specified by the Landlord in the notice of increase.

Name: Tribunal Judge Donegan

Date: 02 December 2019