



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

Case reference : **BIR/17UG/MDR/2019/0001**

Property : **109 Granville Avenue
Long Eaton
Nottingham
NG10 4HE**

Applicant : **Miss A Donaldson**

Representative : **None**

Respondent : **R K Property Management**

Representative : **Mr Robert Kay
Johnstone House
2a-4a Gordon Road
West Bridgford
Nottingham
NG2 5LN**

Type of application : **Application under Section 13(4) of the
Housing Act 1988 referring a notice
proposing a new rent under an Assured
Periodic Tenancy to the Tribunal**

Tribunal members : **G S Freckelton FRICS
Mrs K Bentley**

**Venue and Date of
Determination** : **The matter was dealt with by a paper
determination on 7th January 2020**

DETAILED REASONS

BACKGROUND

1. On 7th November 2019, the Applicant (tenant of the above property) referred to the Tribunal, a notice of increase of rent served by the Respondent (landlord of the above property) under section 13 of the Housing Act 1988.
2. The Respondent's notice, which proposed a rent of £575.00 per calendar month with effect from 24th December 2019, is dated 25th October 2019.
3. The date the tenancy commenced is stated on the Application Form as being 24th January 1992 and is understood to be an Assured Tenancy. The current rent is stated in the Respondents notice as being £425.00 per calendar month.
4. The Tribunal issued its Decision following the inspection on 7th January 2020. The Applicant subsequently requested written reasons and these detailed reasons are provided in response to that request.

INSPECTION

5. The Tribunal inspected the property on Tuesday 7th January 2020 in the presence of the Applicant and the Respondent's Representative.
6. The property comprises a terraced house of traditional construction having a pitched tiled roof situated in an area of predominantly similar type properties. There is a flat felt roof to the rear ground floor bathroom area.
7. Briefly the accommodation comprises a front lounge, rear dining room with under stairs cupboard off and kitchen on the ground floor. The kitchen is fitted with a limited range of dated basic units. There is a wall mounted gas fired combination boiler. The kitchen leads to a lobby with door to the rear garden and to the bathroom being fitted with a bath, having a shower mixer over, wash hand basin and low flush WC.
8. On the first floor the landing leads to one double bedroom and two single bedrooms.
9. The house has gas fired central heating. There is UPVC double glazing throughout although the front and rear external doors are not double glazed.
10. The carpets, curtains and white goods were confirmed to be the Applicant's.
11. Externally the property is built up to the pavement. To the rear is a small garden which, the Tribunal understands, was landscaped by the Applicant, who laid the patio and provided the timber shed.
12. The property was found to be in reasonable condition throughout, although items of disrepair were noted. In particular, there was damp to the under stairs cupboard, rising damp to the fireplace area in the dining room and rot to the door frame between the kitchen and lobby indicating the likelihood of further rising damp.
13. The Applicant submitted that she had tiled the floor and walls to the kitchen and fitted the laminate floor to the lounge. The Applicant had also fitted a new door to the lounge and to the three bedrooms although it was accepted that these were in satisfactory condition and were not replaced due to disrepair.

EVIDENCE

14. The Tribunal received written representations from both parties which were copied to the other party.
15. Neither party requested a hearing and the Tribunal therefore made a determination based upon its inspection and the written submissions received.

THE LAW

16. In accordance with the terms of section 14 of the Housing Act 1988 the Tribunal proceeded to determine the rent at which it considered that the subject property might reasonably be expected to be let on the open market by a willing landlord under an assured tenancy.
17. 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) of that Act.

THE TRIBUNAL'S DECISION

18. The Tribunal noted that the property was in generally acceptable condition, although, if it was to be marketed today, then general repairs would be required.
19. In coming to its decision, the Tribunal had regard to the members' own general knowledge of market rent levels in the area of Long Eaton.
20. Having regard to the general level of rents in the area the Tribunal concluded that, if the subject property had been in good condition, the market rental value would have been £575.00 per calendar month.
21. The Tribunal then made the following adjustments to reflect the improvements carried out by the Applicant:

1) Shed and patio	3.00
2) Carpets and curtains	22.00
3) <u>White goods</u>	<u>15.00</u>
Total	£40.00 per month

22. However, the property as inspected by the Tribunal was not in the condition that would be expected in the open market and the Tribunal therefore also made the following deductions to reflect the condition of the property as follows:

1) Lack of double-glazed external doors	3.00
2) Damp and minor repairs	2.00
3) <u>Upgrading to kitchen</u>	<u>5.00</u>
Total	£10.00 per month

23. The Tribunal therefore concluded that an appropriate market rent for the property would be £525.00 per calendar month (£575.00 - £40.00 - £10.00).
24. The Tribunal therefore determined that the rent at which the property might reasonably be expected to be let on the open market would be £525.00 per calendar month.

25. This rent will take effect from 24th December 2019, being the date of the Respondent's notice.

APPEAL

26. Any appeal against this Decision can only be made **on a point of law** and must be made to the Upper Tribunal (Lands Chamber). Prior to making such an appeal the party appealing must apply, in writing, to this Tribunal for permission to appeal within 28 days of the date of issue of this Decision, (or, if applicable, within 28 days of any decision on a review or application to set aside) identifying the decision to which the appeal relates, stating the grounds on which that party intends to rely in the appeal, and stating the result sought by the party making the application.

G S Freckelton FRICS
Chairman
First-tier Tribunal Property Chamber (Residential Property)



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8. On the first floor the landing leads to one double bedroom and two single bedrooms.
9. The house has gas fired central heating. There is UPVC double glazing throughout although the front and rear external doors are not double glazed.
10. The carpets, curtains and white goods were confirmed to be the Applicant's.
11. Externally the property is built up to the pavement. To the rear is a small garden which, the Tribunal understands, was landscaped by the Applicant, who laid the patio and provided the timber shed.
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20. Having regard to the general level of rents in the area the Tribunal concluded that, if the subject property had been in good condition, the market rental value would have been £575.00 per calendar month.
21. The Tribunal then made the following adjustments to reflect the improvements carried out by the Applicant:

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Total	£40.00 per month

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