



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

**Case reference** : **BIR/37UJ/MNR/2019/0048**

**Property** : **39 Byron Road  
West Bridgford  
Nottingham  
NG2 6DY**

**Applicant** : **Ms S Davis**

**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 7<sup>th</sup> January 2020**

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**DETAILED REASONS**

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## **BACKGROUND**

1. On 4<sup>th</sup> 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 £150.00 per week with effect from 9<sup>th</sup> December 2019, is dated 25<sup>th</sup> October 2019.
3. The date the tenancy commenced is stated on the Application Form as being 'Around 25 years ago' and is an Assured Shorthold Tenancy. The current rent is stated in the Respondents notice as being £110.00 per week.
4. The Tribunal issued its Decision following the inspection on 7<sup>th</sup> 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 7<sup>th</sup> January 2020 in the presence of the Applicant and the Respondent's Representative.
6. The property comprises an end terraced house of traditional construction having a pitched tiled roof situated in an area of predominantly similar type properties.
7. Briefly the accommodation comprises hallway with stairs off to the first floor, front lounge, rear dining room and small kitchen on the ground floor. The kitchen is fitted with a limited range of basic units. There is a store off under the stairs.
8. On the first floor the landing leads to two double bedrooms and bathroom being fitted with a three-piece sanitary suite having a shower over the bath. The Worcester gas fired combination boiler is located in a cupboard in the bathroom.
9. The house has gas fired central heating although the Applicant submitted that the radiator in the hallway was inadequate. There is UPVC double glazing throughout although the front door is not double glazed.
10. The Tribunal also understands that, although the fitted gas fires to the lounge and dining room were fitted by the Respondent, they are serviced by the Applicant as the Respondent believes that as the property has gas fired central heating the gas fires are not required. The carpets, curtains and white goods were confirmed to be the Applicant's.
11. Externally there is a small front forecourt and small rear yard/garden which, the Tribunal understands, was landscaped by the Applicant. The Applicant has also repaired the rear store sheds.
12. The property was found to be in a condition throughout which is commensurate with its age and type. However, the Tribunal noted that the brickwork below the bathroom window required attention and the lead flashings to the chimney stack required re-bedding and repointing.
13. The Applicant also referred the Tribunal to the drain to the rear of the property which, it was submitted, was prone to blockages.

## **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 improvements 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 Nottingham. West Bridgford itself is generally considered to be a relatively sought-after residential area.
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 £140.00 per week.
21. The Tribunal then made the following adjustments to reflect the improvements carried out by the Applicant:

1) Repairs to stores	1.50
2) Servicing to gas fires	1.50
3) Carpets and curtains	8.00
4) <u>White goods</u>	<u>5.00</u>
Total	£16.00 per week

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 front door	1.50
2) <u>Repairs to brickwork and flashing</u>	<u>2.50</u>
Total	£4.00 per week

23. The Tribunal therefore concluded that an appropriate market rent for the property would be £120.00 per week (£140.00 - £16.00 - £4.00).
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 £120.00 per week.

25. This rent will take effect from 9<sup>th</sup> 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)