



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

**Case reference** : **LON/00BD/MNR/2019/0098**

**Property** : **20 Crane Road, Twickenham  
TW2 6RY**

**Applicant** : **Mr G Keen**

**Representative** : **In person**

**Respondents** : **Allsop Letting & Management Ltd  
(landlord's agents)**

**Representative** : **Ms J Zevenster**

**Type of application** : **Sections 13 and 14, Housing Act  
1988**

**Tribunal members** : **Mr Charles Norman FRICS  
(Valuer Chairman)  
Mr Alan Ring**

**Date of Decision** : **3 October 2019**

**Date of Reasons** : **12 December 2019**

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**REASONS**

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## **Background**

1. On 31 July 2019 the tenant of the above property referred to the Tribunal a notice of increase of rent served by the landlord under section 13 of the Housing Act 1988 (“the Act”).
2. The landlord’s notice, which proposed a rent of £1087.50 per month is dated 20 June 2019. The notice proposed a starting date for the new rent of 1 August 2019. The rent passing was £1026 per month.
3. The tenancy is an assured periodic tenancy. From the tenant’s application, the assured tenancy commenced in 2004. The tenant stated in his application form to the Tribunal that there was no tenancy agreement.
4. Directions were issued on 6 August 2019 which set the matter down to be dealt with by written representations. The landlord was directed to send a written statement by 30 August 2019 including any comparables. The tenant was directed to respond by 13 September 2019 to include a statement as to what furnishings were provided, who is responsible for repairs and decoration, details of any improvements to the property carried out at the tenant’s own expense since the assured tenancy came into effect and any other reasons that the tenant wished the Tribunal to consider. The landlord was permitted to make a reply by 20 September 2019. Notice of inspection by the tribunal was given, to take place on 3 October 2019 sometime after 10 AM. Subsequently, both parties requested a hearing.
5. On 3 October 2019, the Tribunal determined that the market rent pursuant to the section 13 Notice should be £1050 per month and Notice of that Decision was issued. Subsequently, the landlord requested reasons.

## **The hearing**

6. At the hearing, the landlord was represented by Ms J Zevenster of Allsop Letting & Management Ltd. The tenant did not appear and was not represented.

## **The Landlord’s Case**

7. The landlord described the property as a mid-terraced house comprising three bedrooms one reception room kitchen bathroom front and rear garden. The agents referred to comparables described as three-bedroom houses within a 1 mile radius and achieving between £18,600 and £25,200 per annum, depending upon condition and location. The agent submitted that the fair rental value for the property in its current condition was £13,050 per annum. That was said to take into account the differences between standard fixtures and fittings usually found in a fully modernised property and the subject property. The property was situated on a pretty residential street within walking

distance of Twickenham Green. It had excellent transport links and many local amenities.

### **The Tenant's case**

8. The tenant described the property as being a two bedroom property and therefore not comparable to the landlords comparables. The tenant referred to several items of repair he had carried out at the property. These included repairing damaged render under windows, replastering walls, redecorating throughout, replacing light fittings, laying solid oak flooring to the kitchen, carpeting and redecorating the stairs, repairing cracks in ceiling and replacing garden fencing. He also referred to a roof leak at the property, draughty front and back doors, ceiling mould to the bathroom and a crack in the rear wall of the kitchen. The tenant did not refer to any comparables of his own.

### **Inspection**

9. The property comprises a late Victorian terraced house brick under concrete tiled roof, with a square bay on the ground floor. There is a small front garden. Windows are UPVC double glazed, but the doors are original. It appeared to be in fair to good external condition. The property has central heating. The kitchen, at the ground floor rear, has been subject to some improvements by the tenant by way of the installation of floor and wall cupboards. The white goods belong to the tenant. There are two ground floor reception rooms. The first floor comprises two double bedrooms and bathroom. The latter comprises bath, wash hand basin and WC but is very basic; the Tribunal noted ceiling mould and a Valliant gas boiler. In the front bedroom, the Tribunal noted evidence of damp. There is a rear garden.

### **The law**

10. The law as to the Tribunal's approach is given at section 14 of the Act which insofar as relevant is as follows:

(1) Where, under subsection (4)(a) of section 13 above, a tenant refers to a [Tribunal] a notice under subsection (2) of that section, the [Tribunal] shall determine the rent at which, subject to subsections (2) and (4) below, the [Tribunal] consider that the dwelling-house concerned might reasonably be expected to be let in the open market by a willing landlord under an assured tenancy—

(a) which is a periodic tenancy having the same periods as those of the tenancy to which the notice relates;

(b) which begins at the beginning of the new period specified in the notice;

(c) the terms of which (other than relating to the amount of the rent) are the same as those of the tenancy to which the notice relates;

[...].

## **Findings**

11. Ms Zevenster had not personally inspected the subject property or the landlord's comparables and in answer to a question from the Tribunal she accepted that the comparables were dissimilar. The Tribunal therefore relied on its own knowledge and experience in assessing the starting point rent of £1400 per month. However, the Tribunal needed to reflect the condition of the kitchen and bathroom which were not in a condition usual for a modern letting. It also took into account the evidence of damp and the fact that the tenant had provided his own white goods and floor coverings. The Tribunal considered that these matters required an adjustment of 25% or £350 per month.
12. For the above reasons the Tribunal assessed the market rent in accordance with section 14 of the Housing Act 1988 as £1,050 per month, taking effect from 1 August 2019.

Charles Norman FRICS  
Valuer Chairman  
12 December 2019

### **ANNEX - RIGHTS OF APPEAL**

- The Tribunal is required to set out rights of appeal against its decisions by virtue of the rule 36 (2)(c) of the Tribunal Procedure (First-tier Tribunal)(Property Chamber) Rules 2013 and these are set out below.
- If a party wishes to appeal against this decision to the Upper Tribunal (Lands Chamber) then a written application for permission must be made to the First-tier Tribunal at the Regional office which has been dealing with the case.
- The application for permission to appeal must arrive at the Regional office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.
- If the application is not made within the 28-day time limit, such application must include a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
- The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal, and state the result the party making the application is seeking.

