



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

Case Reference : CAM/42UH/MNR/2019/0022

Property : Flat 3, 26, Lyndhurst road, Lowestoft, NR23 4PD

Landlord : Parker Developments East Anglia Ltd

Tenant : Mr R Nash

Type of Application : to determine a rent under the
Housing Act 1988

Tribunal Members : **Judith Lancaster** **Chairman**
Roland Thomas MRICS **Valuer Member**

Date of inspection : 12 December 2019

Date Decision Effective: 1 November 2019

SUMMARY STATEMENT OF REASONS

DECISION

The Tribunal determined a rent of £400.00 per month

THE PREMISES:

1. The Property is a second floor converted flat in a semi-detached house, located in a residential area close to the sea front, approximately a mile from the town centre. The house is approximately 100 years old, constructed of brick, partially rendered, with a concrete tile roof. There are communal front and rear gardens. Parking is on the street. The front door to the house has an entry buzzer leading to a communal hall, and 2 flights of stairs – the second of which is narrow with limited headroom in places - to front door of Property. Communal areas are cleaned by the residents.

2. The accommodation consists of 2 double bedrooms, a bathroom/WC (no shower) a kitchen/diner and a living room. There is gas central heating/hot water. The windows are single-glazed apart from 1 double-glazed window, in the bathroom. The Landlord has provided carpets, but these are old and in poor condition, and lino in kitchen, which is dated and coming up in places. The Landlord has not provided furniture, curtains or white goods, except for a basic, dated, gas cooker.

3. The external decoration is poor, and the joinery is in poor condition, with obvious signs for of decay and deterioration, especially the windows. There is a cracked window in one of the bedrooms. There are signs of condensation/mould on the inside of a number of the windows. The kitchen and bathroom fittings are dated. The Tenant has not carried out any improvements of significance to a determination of the rent.

THE TENANCY

4. The Tribunal were provided with a copy of a tenancy agreement, dated 9 July 2018, between Richard Williams, as Landlord, and the Tenant, and a copy of a letter from Richard Williams, dated 28 July 2019, informing the Tenant that the Property had been sold to Parker Developments East Anglia Ltd. Under the tenancy agreement the Landlord undertakes to keep in repair the structure of the Property, including the roof, walls, foundations, timber and stairs.

THE APPLICATION

5. By a notice pursuant to section 13 of the Housing Act 1988, dated 14/08/19, the Landlord gave the Tenant notice of their intention to increase the rent from £380.00 per month to £455.00 per month from 1/11/19. By an application dated 04/10/19 the Tenant referred this notice to the Tribunal.

REPRESENTATIONS OF THE PARTIES

6. Representations can either be made either at a hearing, or in writing. Neither party requested a hearing, nor submitted written representations to the Tribunal. However, a copy of a letter from the Landlord to the Tenant was sent to the Tribunal, in which the Landlord stated that the decision to raise the rent had been taken because of a rising housing market in Waveney and an increasing demand for private renting. The Landlord also stated that the proposed rent increase was in line with East Suffolk Council local housing allowance rates for 2-bedroom properties.

THE DECISION

7. Under section 14 of the Housing Act 1988 the Tribunal must determine the rent at which the Tribunal considers that the Property might reasonably be expected to be let in the open market by a willing landlord under an assured tenancy which;

- is a periodic tenancy and has the same periods as the Tenancy of the Property;
- begins on 01/11/19;
- has terms which are the same as those of the Tenancy of the Property.

The Tribunal must disregard any improvements made by the Tenant which the Tenant was not obliged to do under the terms of the Tenancy Agreement, and any reduction in value of the Property resulting from any failure by the Tenant to comply with the terms of the Tenancy Agreement.

8. The Tribunal's determination is made by first assessing the open market rent for a similar property, in good condition, with modern facilities, carpets, curtains and white goods. Deductions are then made where appropriate.

9. Neither party submitted any rents for comparable properties for the Tribunal's consideration – the Landlord's stated view that there is a rising housing market in the area, and rising demand, was not supported by any evidence. Local housing allowance rates are not directly relevant because, to assess a market rent for a particular property, factors such as the location, size, accommodation, lay-out and condition of that particular property must be taken into account.

10. The Tribunal therefore used their knowledge and experience of the rental market in this area, and determined an open market rent of £450.00 per month for a similar property in good condition with modern facilities, carpets, curtains and some white goods.

11. The Tribunal then made a deduction for condition of the Property, and for the lack of modern facilities, as set out above. It should be noted that this figure cannot be a simple arithmetical calculation but is the Tribunal's estimate of the amount by which the rent would have to be reduced to attract a tenant. A deduction of £50.00 pm was made to reflect these items, this deduction being the Tribunal's assessment of the amount by which the rent would have to be reduced to attract a tenant.

14. The Tribunal therefore determined a rent of £400.00 per month for the Property.

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Judge Lancaster
27 January 2020

Caution: For the purpose of reaching a decision the Tribunal inspected the subject property. Such inspection is not a structural survey and only takes a few minutes. Any comments about the condition of the properties in this Statement of Reasons are made as a result of casual observation rather than a detailed inspection. Please do not rely upon such comments as a guide to the structural condition of the properties.

ANNEX - RIGHTS OF APPEAL

1. If a party wishes to appeal 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.
2. 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.
3. 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.
4. 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.

