



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

Case Reference : **FL/LON/00AD/MNR/2019/0084**

Property : **First and Second Floor Maisonette,
30 Elm Road Sidcup DA14 6AD**

Applicant : **Ms Jane Carroll (Tenant)**

Representative : **None**

Respondent : **Northumberland and Durham
Property Trust Ltd (Landlord)**

Representative : **None**

Type of Application : **Section 13(4) Housing Act 1988**

Tribunal Members : **Mr. N. Martindale FRICS
Mr. A. Ring**

**Date and venue of
Hearing** : **25 October 2019
10 Alfred Place, London WC1E 7LR**

Date of Decision : **25 October 2019**

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application dated 18 July 2019 from the tenant of the Property regarding a notice of increase of rent, served by the landlord, under S.13 of the Housing Act 1988 (the Act).
- 2 The notice, dated 17 July 2019, proposed a new rent of £1400 per calendar month (pcm), with effect from and including 1 September 2019. The rent payable up to and including 31 August 2019 was £696 pcm.

- 3 The tenancy is an assured periodic monthly. No copy was provided.
- 4 The Tribunal issued directions on 29 July 2019; set 20 September 2019 as the date for determination and required parties to forward evidence to the Tribunal by 19 August 2019 from the landlord and by 2 September 2019 from the tenant.
- 5 The tenant was unavailable for the inspection date and subsequently applied for a delay to that date. The Tribunal directed on 28 August 2019 that this date be changed to 25 October 2019.

Inspection

- 6 The Tribunal inspected the property on 25 October 2019. The tenant attended, the landlord did not.
- 7 The Property is located on a busy suburban road a bus route and classified as the A222. It is some 0.7 mile from Sidcup station according to the landlord. There are many bus routes passing for near the Property. There are parking restrictions and considerable traffic flow on this road. Although it was near open space to the other side of Elm Road, it remains as one of the fewer older houses in the road, many of the others having been redeveloped over the years into three level purpose built blocks of private flats. The Property has use of part of the rear garden, a detached single garage and driveway in front.
- 8 The Property is formed by conversion from the majority of a detached late Victorian villa: Solid brick walls, clay tiled double pitched main roof with a variety of flat roof dormers. It's large. The conversion from detached house to first and second floor maisonette and separate ground floor flat, appears to have been largely undertaken in the 1960's. A range of additional rooms was created on the second floor within the double pitched roof space. The building is overall now in fair to poor condition. The conversion is dated and the use of space and layout poor. There are a number of longstanding defects to walls and roofs of the building, which affect the interior of the Property.
- 9 The Property comprises, 2 double and 1 triple bedrooms on the first floor, living room, bathroom/ wc and separate wc and kitchen on the first floor; an additional kitchen in a former tank room, double bedroom and hallway/ room on the second floor. Most of the fittings in the kitchens and bathroom were installed by the tenant many years ago but now form part of the letting under the tenancy. The original conversion was a basic sub-division only and while it was improved by the tenant over the years, such is the age of the work that it is at best simply functional now. The single glazed windows to the first floor are largely double hung timber sash; to the second floor, older and defective plastic framed double glazed casements. All are in poor condition. The gas fired central heating radiators are the tenants; the new boiler, the landlords. The electric system is basic and dated.

10 There are no landlords white goods, carpets and curtains.

Evidence

11 The landlord provided basic details of the accommodation at the Property and brief details of lettings of other properties. It was unclear if these were houses or flats. One in DA15 postal district of 4 bedrooms, reception (and kitchen ?) and bathroom. Another in DA15 of 5 bedrooms, reception and garden only. A third in DA14 of 4 bedrooms, reception, and garden. They were all said to be recent lets. The rents were £2000, £1750 and £1400 respectively pcm. From these transactions the landlord proposed a new market rent for the Property of £1400 pcm

12 The tenant drew the attention of the Tribunal to various defects including those to roof, walls, guttering, floors and ceilings. These appeared to the Tribunal to have arisen from a combination of a very basic and now dated initial conversion of the house and a lack of sustained maintenance to the building including the Property subsequently. The tenant also referred to works carried out by under the former tenancy. However on a succession tenancy as here, these and their additional value such as it may be by now, revert to the landlord.

13 Neither party requested a hearing and the Tribunal determined the new rent based on the written submissions and from the inspection.

Law

14 In accordance with the terms of S14 of the Act the Tribunal is required to determine the rent at which it considers the property might reasonably be expected to let in the open market, by a willing landlord, under an assured tenancy, on the same terms as the actual tenancy; ignoring any increase in value attributable to tenant's improvements and any decrease in value due to the tenant's failure to comply with any terms of the tenancy. Thus the property falls to be valued as it stands; but assuming that the property to be in a reasonable internal decorative condition. Where improvements were carried out under a former tenancy the value of these, if any at the valuation date, is no longer excluded under a succession tenancy but, are included in the rent.

Decision

15 Based on the Tribunal's own general knowledge of market rent levels in Sidcup, we determine that the subject property would let on normal Assured Shorthold Tenancy (AST) terms, for £1,600 pcm, fully fitted and in good order.

16 However, with the absence of white goods, carpets and curtains and the disrepair evident in the maisonette, the absence of double glazing, dated kitchen and bathroom fittings, basic electrical system, flat, the

Tribunal deducts £550 pcm. This leaves **£1050 pcm as the new rent** effective from the date of effective increase in the landlords notice, **1 September 2019.**

Chairman N Martindale FRICS

Dated 25 October 2019