



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

Case Reference : **BIR/00CR/MNR/2020/0006**

Property : **62 St Georges Road Dudley DY2 8ER**

Landlord : **Shindar S Dhillon**

Tenants : **Scott Delaney & Keely Stevens**

Type of Application : **An Application for a Determination under
Section 14 of the Housing Act 1988**

Tribunal Members : **V Ward BSc Hons FRICS
N Wint BSc (Hons) FRICS ACI Arb**

Date of Decision : **26 March 2020**

STATEMENT OF REASONS

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BACKGROUND

1. By way of a notice dated 27 January 2020, the Landlord sought to increase the rental in respect of 62 St Georges Road, Dudley, DY2 8ER to £750.00 per calendar month under section 13 of the Housing Act 1988 (“the Act”) with effect from 4 March 2020.
2. The tenancy commenced on 4 June 2018 and the rent payable at the time of the notice was £525.00 per calendar month.
3. By an application received on 6 February 2020, the Tenants referred the Notice of increase of rent served by the Landlord to the Tribunal.
4. Following the Covid-19 Public Health Emergency, a Procedural Judge reviewed this case and on 17 March 2020 advised the parties, that in accordance with the overriding objective and considering the PHE advice, that the Tribunal’s planned inspection of the Property would no longer take place and the hearing relating to the same would be cancelled. The parties were advised that they could if they wished, make additional submissions including photographs.
5. The parties were further advised of the following:
 - a) If they considered that an inspection was essential to deal with the case fairly and justly and in accordance with the overriding objective, then they should notify the Tribunal (and send a copy of such notification to the opposing party) setting out reasons. A Procedural Judge would then determine whether or not the case should be stayed to allow an inspection to be carried out at a later date.
 - b) The Tribunal need not hold a hearing if consent to proceeding without a hearing has been given by each party (Rule 31(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013). Each party should therefore notify the Tribunal whether or not they consented to the Tribunal determining this matter without a hearing.
6. Subsequently to the above, the Tenants who had requested the oral hearing, confirmed that they were happy for the matter to proceed without one. The Landlord had not requested an oral hearing.

THE PROPERTY

7. From the information provided, and available, to the Tribunal, the Property comprises a semi-detached house with the following accommodation arranged over two floors:

Two living rooms, three bedrooms and one bathroom.

Submissions of the Parties

The Tenants

8. The Tenants provided a copy of an Emergency Remedial Action Notice served on the Landlord by the Local Housing Authority, Dudley Metropolitan Borough Council, dated 6 September 2019. This stated that the Local Authority were satisfied that there were two Category One hazards (under the Housing Act 2004) present at the Property; Carbon Monoxide and Excess Cold. A contractor's report dated 10 September 2019 appeared to indicate that these works had been dealt with although there was no confirmation from the Local Authority.
9. The Tenants also provided two statements from near neighbours, and one from Miss Taylor's mother, to the effect that the condition of the Property when the Tenants took occupation, was poor.

The Landlord

10. The Landlord made representations to the effect that the condition of the Property, when the tenants moved in, was good. The Landlord also provided an undated letter, without any address, from a Stuart Cheal basically stating that after the Property had been let to the Tenants for £525.00 per calendar month, he wanted to rent the Property and that it was worth at least £650.00 per calendar month.

THE LAW

11. In accordance with the terms of section 14 of the Housing Act 1988 the Tribunal must determine the rent at which it considers that the subject property might reasonably be expected to let on the open market by a willing landlord under an assured tenancy.
12. In so doing the Tribunal, as required by section 14(1), must ignore the effect on the rental value of the property of any relevant tenant's improvements as defined in section 14(2) of the Act.

VALUATION

13. The Tribunal had regard to the evidence and submissions of the parties, the relevant law and their own knowledge and experience as an expert Tribunal but not any special or secret knowledge.

14. The Tribunal noted the evidence provided by both parties. The weight of the evidence concerning the condition of the Property at the commencement of the tenancy is with the Tenants although the effect on the Tribunal's determination is limited as it significantly predates the valuation date. The Emergency Remedial Action Notice is also relevant although the Tribunal notes that the Landlord attended to, at least some of, the required repairs very quickly. The letter from Mr Cheal is not evidential, it is not dated, is without an address and his role in the process is questionable.
15. The Tribunal's determination considers what rent the landlord could reasonably be expected to obtain for the Property if it were let today. It did this by using its own general knowledge of the market rent levels in Dudley. Taking all factors into consideration, the Tribunal concluded that the likely market rental would be £650.00 per calendar month. From this, the Tribunal made a deduction of £50.00 per calendar month to reflect white goods and the Tenants decorating liability.
16. The rent determined by the Tribunal for the purposes of Section 14 was, therefore, £600.00 per calendar month with effect from 4 March 2020.
17. If either party is dissatisfied with this decision they may apply for permission to appeal to the Upper Tribunal (Lands Chamber) **on a point of law only**. Prior to making such an appeal, an application must be made, in writing, to this Tribunal for permission to appeal. Any such application must be made within 28 days of the issue of this decision (regulation 52 (2) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rule 2013) stating the grounds upon which it is intended to rely in the appeal.

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