



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

Case Reference : **CHI/00HN/MNR/2020/0012**

Property : **Flat D, 948 Wimborne Road
Moordown
Bournemouth
Dorset BH9 2DG**

Type of Application : **Determination of market rent: Housing Act
1988**

Tribunal Member : **Mr B H R Simms FRICS (Chairman)**

Date of Decision : **13 May 2020**

REASONS FOR THE DECISION

Background

1. By an application dated 29 February 2020 Mr A B Cooper, the Tenant, referred to the Tribunal a Notice of Increase of rent served by the Landlord under section 13 of the Housing Act 1988 dated 15 January 2020 which proposed a rent of £875.00 per calendar month with effect from 11 March 2020 in place of the passing rent of £640.00 per calendar month.
2. The Tenancy is an Assured Periodic Tenancy commencing on 11 December 1994 for a term of 12 months. The Tenancy Agreement dated 11 December 1993 was produced to the Tribunal.
3. Directions for the conduct of the case were issued dated 06 March 2020. The Tribunal intended to determine the rent on the basis of an inspection of the property and written representations subject to the parties requesting an oral hearing. No request was made by the parties for a hearing. On 17 March Messrs Gisby Harrison, solicitors for the Landlord, responded to the Directions with a copy of the correct Tenancy Agreement and brief representations. On 19 March 2020 the Tribunal issued a notice in respect of the Coronavirus pandemic cancelling an inspection and requesting, in addition to the written representations, photographs from the parties if considered necessary. No objection to this procedure was received.

Inspection

4. The Tribunal did not inspect the property. The Applicant describes the property as a ground floor flat having a living room, kitchen, 2 Bedrooms and a bathroom.

Hearing

5. Neither party requested a hearing at which they could present their case. The Landlord's solicitors submitted written representations with exhibits and photographs. The Tenant made no representations in accordance with Directions. The Tribunal proceeded to determine the matter based on the written evidence submitted.

Evidence

6. Messrs Gisby Harrison, for the Landlord submitted a 'Best Price Guide' prepared by Connells Estate Agents showing rents for comparable properties available to rent within ¼ mile of the same postcode area. Only brief details are given in a rent range £850.00 to £895.00 between December 2019 and March 2020. In an email dated 17 March 2020 to Mr Daniel Marlowe [identity not explained] Connells express the view that the market rental value of the subject property is £875.00. Also supplied subsequently is a set of photographs and a copy of the EPC Certificate.
7. The Landlord's documents were supplied to the Tenant.
8. Nothing has been received from the Tenant.

The Law and Valuation

9. The Tribunal is required to determine the rent at which the subject property might reasonably be expected to be let in the open market by a willing Landlord under an assured tenancy. The personal circumstances of the Landlord or of the Tenant are not relevant to this issue.
10. Thus in the first instance the Tribunal determined what rent the landlord could reasonably be expected to obtain for the property in the open market if it were let today on the terms and in the condition that is considered usual for such an open market letting. The Landlord's rents for comparable properties were of assistance but only brief details were supplied and there is no information to confirm the rents achieved, just asking rents. We note the opinion of Connells. The photographs were helpful and generally do not highlight any serious lack of repair although the kitchen fittings are not modern. We were not provided with any information regarding the provision of floorcoverings or white goods and assume that these are supplied by the Landlord as would be usual in this locality.
11. Accordingly having regard to the Landlord's representations and using its own knowledge and experience, doing the best it can in the circumstances, the Tribunal arrives at an appropriate open market rental value of £850.00 per calendar month.

Determination

12. The Tribunal therefore determines that the rent at which the subject property might reasonably be expected to be let in the open market by a willing Landlord under the terms of this assured tenancy is £850.00 per calendar month.
13. The Tribunal then considered the question of the starting date for the new rent specified in the Landlord's Notice from the point of view of hardship to the tenant (S.14(7)). The Tenant made no representations and the Tribunal does not find a case for changing the rent start date. To reflect this the new rent of **£850.00** is to start on **11 March 2020** the date specified in the Landlord's S.13 notice.

Mr B H R Simms (Chairman)

13 May 2020

PERMISSION TO APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) on a point of law must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28-day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.