



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

Case Reference	:	LON/00AMNR/2019/0143
Property	:	161 Addington Road Selsdon South Croydon Surrey CR2 8LL
Applicant	:	Mrs Ann Barbara Colclough (Tenant)
Representative	:	None
Respondent	:	The Executors of the Estate of Pamela Dorothy Gurney (Landlord)
Representative	:	Streeter Marshall Ltd.
Type of Application	:	Section 13(4) Housing Act 1988
Tribunal Members	:	Mr N Martindale FRICS Mr J Francis
Date and venue of Hearing	:	21 February 2020 10 Alfred Place, London WC1E 7LR
Date of Decision	:	5 March 2020

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application on 26 November 2019 from the tenant of the house at 161 Addington Road South Croydon CR2 8LL, regarding a notice of increase of rent, served by the landlord's agent, Streeter Marshall Ltd., under S.13 of the Housing Act 1988 (the Act).
- 2 The notice, dated 22 October 2019, proposed a new rent of £1,300 per calendar month (pcm), with effect from and including 1 December 2019. The passing rent was stated in the notice, to be £725 pcm.

- 3 The tenancy is an assured periodic monthly tenancy. A copy of a document headed 'Assured Shorthold Tenancy Agreement' was provided by the landlord's agent, with their written representations, however it was shrunk to 25% of its normal size, rendering it illegible.
- 4 In their application to the Tribunal for a determination of the market rent, the tenant stated that the passing rent was £850 pcm and not £725 pcm.

Inspection

- 5 The Tribunal inspected the property on 21 February 2020. The tenant was present; the landlord or their representative, was not. It is a house located in a busy suburban road with bus routes and stop nearby. The terrace of very similar houses in which the Property is set faces a parade of shops (several closed) above which are flats. There are on-street parking restrictions.
- 6 Access to the front of the houses including the Property, is from a raised unsurfaced shared pedestrian path. There is no place for a vehicle to stop and load/unload outside the house or the terrace. There is no rear or side pedestrian or vehicle access to the terrace including to the Property.
- 7 The terrace was constructed in the inter-war period. Plain tiled double pitched roof and rendered block or brick walls to front and rear. The windows and doors are double glazed in plastic frames. There is a front garden, and a longer rear garden and hard surfaced area by the house. The Property is mid-terrace.
- 8 Accommodation is on 2 levels. There are two main rooms and a separate kitchen on the ground floor, all in basic condition. The first floor has two doubles and a single bedroom with a bathroom, also in basic condition.
- 9 The house has full gas fired central heating basement consists of two rooms and single storey back addition dining room and former kitchen. The electrical system is very basic and limited in distribution of lighting and particularly of power outlets. It is manifestly in an unsafe condition. In particular the old style wire-in fuseboard located under the staircase has no cover. There is therefore easy access to a range of live circuit wires from the electrical head with no fuse protection. There is a very real danger of death if contact was made with these wires by a child or adult. Maintenance of a safe electrical system, rests with the landlord.
- 10 There is no carpet or poor quality landlord's carpet to many of the rooms. All white goods in the kitchen are the tenants. There is water damage to the ceiling of the main front bedroom which has penetrated

the floor into the ceiling of the front living room on the ground floor. It appears to be from a defect to the small flat roof over the front bay.

- 11 The property is in fair decorative condition inside, but poor to the outside.

Evidence

- 12 Directions, dated 4 December 2019, for the progression of the case, were issued. Neither party requested a hearing. The tenant made brief representations with the application. The landlord's agent provide a short witness statement setting out the background to ownership and the tenancy. The statement explains that the most recent AST was dated 19 May 2010 at a rent of £725 (the illegible document referred to earlier). The statement confirms that the rent was increased to £850 pcm by agreement with the tenant. The statement was accompanied by copies of local houses to rent ranging from £1,400 to £2,200. The statement confirmed that the landlord would be content with £1,300 pcm because the property had has not undergone refurbishment for some time. The Tribunal carefully considered such written representations as it received, from both parties.

Law

- 13 In accordance with the terms of S14 of the Act we are required to determine the rent at which we consider 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.

Decision

- 14 Based on the Tribunal's own general knowledge of market rent levels in Croydon, we determine that the subject property would let on normal Assured Shorthold Tenancy (AST) terms, for £1,300 pcm, fully fitted and in good order. However the Property is in a busy suburban location, yet lacks easy access on foot or by vehicle. Whilst these might be less important for a flat for one or two adults, they are significant for what would typically be let as a family home.
- 15 There were no significant tenants improvements or additions to consider, but the Tribunal notes the absence of landlord's 'white goods', flooring and curtains. The condition of the Property where it falls to the landlord to effect repairs, is poor, in particular a roof leak which has damaged even the ground floor accommodation. The wiring circuitry is old and limited nature and in particular is currently in a dangerous

condition. These factors would be quite off putting to a prospective tenant. For all of these we accordingly deduct 30%, and thus determine the new rent on review, of £910 pcm. The new rent to take effect from the date set out in the landlord's notice.

Chairman N Martindale FRICS

Dated 5 March 2020