



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

Case Reference	:	CAM/42UH/MNR/2020/0024
Property	:	2 Puddle Duck Lane, Worlingham, Beccles, Suffolk, NR34 7ET
Applicants	:	Laura Hanks (Tenants) Neil Carey
Representative	:	None
Respondent	:	Suba Miah (Landlord)
Representative	:	Haart (Agent)
Type of Application	:	Section 13(4) Housing Act 1988
Tribunal Members	:	N Martindale FRICS
Date and venue of Hearing	:	Cambridge County Court, 197 East Road, Cambridge CB1 1BA
Date of Decision	:	2 November 2020

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application on 2 September 2020 from the tenants 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 10 July 2020, proposed a new rent of £1020 per calendar month, with effect from and including 10 September 2020. The passing rent was £970 per calendar month.

- 3 The Tribunal received brief written representations from each party. A copy of the existing assured shorthold tenancy and of the notice of rent increase were included. There was no hearing.

Tenants' Representations

- 4 The tenants set out the accommodation at the Property briefly: A detached house, with 4 Bedrooms. 2 Living Rooms, 4 Bathrooms (later changed to 1 bathroom), with a garden and garage.
- 5 The tenants included details of defects, descriptive and photographic, in the property. Some were said to be evident shortly after they took the lease from 10 September 2020 and some were worse or had developed after some two years.
- 6 The tenants raised these issues: 1. Leak from kitchen taps which had been repaired around December 2018. 2. However this was said to have damaged the kitchen worktop nearby and later the cupboard carcass below and neither had not been repaired or replaced since. 3. Although the landlord had been reported as agreeing to replace the family bathroom and repaint the exterior of the house neither had been. 4. Damage to the timber sub-frame to the patio doors had allowed water penetration and seasonal insect infestation, but had not been repaired. 5. At some time during the letting there had been a problem with rodents which the tenants had paid to cure. 6. There was a problem with one of the toilets serviced by a Saniflow system which limited its use along with the shower adjacent was also defective. No repairs to either. 7. A glass pane to one of the window was unsealed which allowed condensation and other cills were rotten. No repairs. 8. Carpets were laid without underlay, and were not edged or fixed. 9. The Property was let with no curtains or white goods. 10. There were significant holes in several doors to rooms on the first floor. 11. The bath panel to main bathroom was cracked. 12 Various of the central heating radiators were defective. 13. The waste from the kitchen sink leaked.
- 7 The tenants did not report any improvements that they had completed.
- 8 The tenants did not offer any rental market evidence. However, they did accept that the former rent of £1000 pcm charged before 2018, would be fair now, if the Property was in good condition, with modern facilities, carpets curtains and some white goods.

Landlord's Representations

- 9 The landlord set out the accommodation briefly: A detached house, with 4 Bedrooms. 1 Living Room, Kitchen, 1 Bathroom, garden, garage; and off street parking. The Property had full central heating and double glazing. The landlord provided carpets and curtains, but no white goods.

- 10 The landlord did not include any lettings evidence. The landlord made no representations about the condition of the Property.

Inspection

- 11 Owing to the ongoing Coronavirus Pandemic across England the Tribunal does not currently carry out either internal or external inspections.

Law

- 12 Under S.14 of the Act the Tribunal determines 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.

Decision

- 13 Based on the Tribunal's own general knowledge of market rent levels in and around Beccles, Suffolk, the Tribunal determines that the subject property would let on normal Assured Shorthold Tenancy (AST) terms, for £1000 per calendar month, fully fitted and in good order. In doing so the Tribunal takes account of a general but, very modest rise in market rents in the intervening two years.
- 14 However, the Property suffers from a significant number of minor defects which remain and deducts £30 pcm to reflect this.
- 15 The Market rent with effect from and including 10 September 2020 is therefore determined as £970 pcm.

Name: N Martindale FRICS Date: 2 November 2020

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the Tribunal is required to notify the parties about any right of appeal they may have.

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.

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.

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.

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.

If the Tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).