



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

**Case Reference** : BIR/00FY/MNR/2021/0030

**Property** : 83 Woodbank Drive, Nottingham, NG8 2QW

**Applicants** : Mohsen Abdou and Soliman Atia

**Respondent** : David Adejumo

**Type of Application** : Appeal against Notice proposing a new rent for Assured Tenancy under section 13(4) Housing Act 1988

**Tribunal Members** : Mr I.D. Humphries B.Sc.(Est.Man.) FRICS  
Mr J. Arain

**Date and Venue of Hearing** : Not Applicable, paper determination

**Date of Decision** : 23<sup>rd</sup> July 2021

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**DECISION**

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- 1 The rent is determined at £900.00 (Nine Hundred Pounds) per calendar month from 1<sup>st</sup> July 2021.

## REASONS

### Introduction

- 2 The tenants, Mohsen Abdou and Soliman Atia, hold a monthly periodic assured tenancy of 83 Woodbank Drive, Nottingham, NG8 2QW, that commenced 1<sup>st</sup> June 2007.
- 3 The landlord served notice of increase dated 18<sup>th</sup> May 2021 under section 13(2) of The Housing Act 1988, proposing a rent of £900.00 per calendar month to take effect on 1<sup>st</sup> July 2021. Neither the previous nor proposed rents included any sums in respect of Council Tax or water rates.
- 4 On 9<sup>th</sup> June 2021 the tenants applied for the rent to be determined by the First-tier Tribunal (Property Chamber).
- 5 The Tribunal determined the rent by written representations on 23<sup>rd</sup> July 2021.
- 6 On 17<sup>th</sup> August 2021 the tenants requested reasons for the Tribunal's decision.

### The Law

- 7 Section 14 of The Housing Act 1988 states:

*'(1) Where, under subsection (4)(a) of section 13 above, a tenant refers to a rent assessment committee a notice under subsection (2) of that section, the committee shall determine the rent at which, subject to subsections (2) and (4) below, the committee consider that the dwelling-house concerned might reasonably be expected to be let in the open market by a willing landlord under an assured tenancy -*

- (a) which is a periodic tenancy having the same periods as those of the tenancy to which the notice relates;*
- (b) which begins at the beginning of the new period specified in the notice;*
- (c) the terms of which (other than relating to the amount of the rent) are the same as those of the tenancy to which the notice relates;...'*

*'(2) In making a determination under this section, there shall be disregarded -*

- (a) any effect on the rent attributable to the granting of a tenancy to a sitting tenant;*
- (b) any increase in the value of the dwelling-house attributable to a relevant improvement carried out by a person who at the time it was carried out was the tenant, if the improvement-*
  - (i) was carried out otherwise than in pursuance of an obligation to the immediate landlord ...*

- 8 The jurisdiction of the Rent Assessment Committee was transferred to the First-tier Tribunal (Property Chamber) from 1st July 2013.

## Facts Found

- 9 The Tribunal were unable to inspect the property due to Covid restrictions and had to rely on the descriptions provided by the parties. The Tribunal did however take the opportunity of seeing the front of the property and general area on Google Street View.
- 10 From this, it was apparent that the property was located on a well established 1960s housing estate in Wollaton, west Nottingham, a residential area to the west of Wollaton Park and north of the A52 Derby Road. It is conveniently located for access to the University of Nottingham campus, the Queens Medical Centre, Nottingham city centre and the M1 and Derby to the west.
- 11 The house is of traditional two storey semi-detached brick construction with a pitched interlocking concrete tile roof.
- 12 The accommodation comprises a through living/dining room, kitchen, utility, conservatory, three bedrooms (although the tenant described bedroom 3 measuring 2.3m x 2.2m as a box room) and bathroom. There is an open plan garden to the front with drive leading to a single garage at the side of the house and an enclosed back garden with a garden shed.
- 13 The house has double glazing, central heating, carpets, curtains and white goods that were provided by the landlord.

## Submissions

- 14 Neither party requested a Hearing. The case was therefore determined based on the written representations of the parties.
- 15 The Applicants' Submission  
The Applicants made 4 main points:

- 1 Rent Increase

They considered the landlord's proposed rent increase from £725 pcm to £900 pcm to be excessive.

- 2 Notice Period

The landlord had given three months' notice for a previous increase in 2018 but this time he had only given six weeks.

- 3 Condition

Several points were made regarding the condition of the house that needed attention. There were photographs showing the condition and it was clear that the majority were for relatively minor repairs but some were more significant. The most significant was that the cable supplying the electric shower was within ducting fitted to the bathroom wall which was said to be a health and safety issue, but this is not something on which the Tribunal could comment, particularly as we were unable to inspect. Moreover, if dangerous, it should have been noted by the EICR (Electrical Condition Safety Report) the landlord is required to obtain from a qualified electrician and rather than being a 'value affecting point', it would affect whether it would be safe to lease the property at all. For present purposes, the Tribunal assumes the landlord has a satisfactory EICR.

- 4 Comparables

The tenants had undertaken an internet search of available property in the area and found descriptions of five classes of property in the NG8 area advertised at the following average rents:

£ 900 pcm  
£ 850 pcm  
£ 926 pcm  
£ 902 pcm  
£ 922 pcm

The tenants were not objecting to the proposed rent per se, but offered to pay an increase phased in over time which had been rejected.

16 The Respondent's Submission

The landlord's agent, M.Hayward of Castle Estates, submitted on behalf of his client that the tenants were paying considerably below the market level of rent. They had been tenants since 2006 and by 2021 properties in the area were renting for between £1,000 and £1,500 pcm depending on their condition.

**Decision**

- 17 Although the tenants' comments on condition were noted, the Tribunal found nothing to suggest major problems (other than the potential shower electrics highlighted above) and the comments on condition generally indicated that the house was in fair but not 'top' condition.
- 18 The Notice period proposed by the landlord was in accordance with legal requirements.
- 19 The main factor influencing the rent was the comparable evidence, in other words, the cost of renting houses offering similar accommodation in the area. The landlord's agent said he considered the range to be £1,000-£1,500 and the tenants drew attention to five average rents, all of which except one were higher than £900 pcm.
- 20 The Tribunal has no jurisdiction to set 'phased' increases for this type of tenancy under the Act, the Tribunal's only power is to determine a single market rent based on the definition in the Housing Act for a tenancy on the same terms.
- 21 Taking these points into account, the Tribunal determined the rent at £900 pcm for the purposes of section 14 of the Housing Act 1988 to take effect on the date in the landlord's Notice of 1<sup>st</sup> July 2021.

I.D. Humphries B.Sc.(Est.Man.) FRICS  
Chairman

**Appeal**

If either party is dissatisfied with this decision an application may be made to this Tribunal for permission to appeal to the Upper Tribunal, Property Chamber (Residential Property) on a point of law only. Any such application must be received within 28 days after the decision and accompanying reasons have been sent to the parties (Rule 52 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013).