



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

Case Reference : **CHI/43UB/MNR/2020/0073**

Property : **79 Hogshill Lane
Cobham
Surrey KT11 2AH**

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

Tenant : **Mr M R Keen**

Landlord : **Bradford Property Trust (BPT) Ltd**

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

Date of Decision : **18 November 2020**

REASONS FOR THE DECISION

Background

1. By an application dated 22 September 2020 the Tenant, Mr M R Keen, referred to the Tribunal a Notice of Increase of rent served on behalf of the Landlord under section 13 of the Housing Act 1988 dated 09 September 2020. The Notice proposed a rent of £1,350.00 per calendar month with effect from 01 November 2020 in place of the previous rent of £963.00 per calendar month.
2. The original tenancy was commenced in 1954 and is now a monthly periodic tenancy created by succession to Mr Keen in May 2020. The Tribunal was not provided with a tenancy agreement.
3. Directions for the conduct of the case were issued dated 08 October 2020 under special arrangements made to respond to government restrictions imposed in connection with the Covid 19 pandemic. The restrictions have caused a suspension of an inspection of the property. The Tribunal proposed that the case would be determined on the papers without a hearing subject to any objection from the parties made by 22 October 2020. No objection has been received.
4. The Landlord was directed to provide a statement setting out its assessment of rent. No statement has been received from the Landlod.
5. The Tenant was directed to provide a statement setting out his opinion of the appropriate rent. The pro-forma Reply Form was completed on behalf of the Tenant by his brother.

Inspection

6. The Tribunal did not inspect the property but, as advised, checked the area on Google maps Street View.
7. In the application the Tenant describes the property as a semi-detached house with accommodation comprising: 2 living rooms, 1 kitchen, 2 Bedrooms, 1 bedroom and 1 toilet.
8. From Google Street View Hogshill Lane is a residential street a short distance from the centre of Cobham. No 79 has brick elevations under a pitched, slate covered roof. There is a paved front garden and a rear garden with access at the side of the house.

Hearing

9. As agreed, there was no oral hearing and the Tribunal determined the case based on the documents received.

Tenancy Agreement

10. The Tribunal was not supplied with any written tenancy agreement.

Evidence

11. The Landlord did not provide any written representations.
12. The Tenant supplied a completed reply form. He recorded that the Landlord had provided double glazing but floor coverings and curtains together with any white goods had been provided by the tenant. There is off-street parking but no garage.
13. The Tenant identifies the central heating as having been provided by his parents prior to his succession to the tenancy. Also sever other general internal improvements had been undertaken by the previous tenants. The Tenant requested that the improvements are taken into account when assessing the rent.

The Law and Valuation

14. The rent the Tribunal has to fix is defined as a market rent which is *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. In making a determination there shall be disregarded any effect on the rent attributable to a relevant improvement carried out by a person who at the time it was carried out was a tenant. There are other limitations and there has been established case law that a Tenant to a statutory tenancy by succession is not entitled to the benefit of the disregard of improvements. Unfortunately for the Tenant, in this case, his parents' improvements to the property cannot be disregarded as they were undertaken during a previous tenancy.
15. Thus in the first instance the Tribunal determined what rent a Landlord could reasonably be expected to obtain for this 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. Neither party chose to provide any evidence in support of their opinion of rental value.
16. Accordingly having regard to the comments made by the parties who chose to make representations and by using its own knowledge and experience the Tribunal arrives at an appropriate open market rental value of £1,250.00 per calendar month for a property similar to the subject premises. This valuation assumes that the property is in good, modernised condition with full central heating, white goods, floor coverings and curtains which is the usual circumstances for lettings in this locality.
17. The Tribunal makes adjustments for the differences in this case. The house is not in a recently modernised condition and the landlord has not supplied curtains, floor coverings & white goods. In our view this would reduce the bid that would be made by a hypothetical tenant by £100.00 per calendar month.

Determination

18. 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 £1,150.00 per calendar month.

19. The new rent of **£1,150.00 per calendar month** is to take effect on **01 November 2020** the date specified in the Landlord's S.13 notice.

Mr B H R Simms (Chairman)
18 November 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.