



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

Case Reference : **CHI/24UL/MNR/2022/0009**

Property : **74 Keith Lucas Road, Farnborough,
Hampshire GU14 0DH**

Applicant : **Mr A T Westwater (Tenant).**

Respondent : **Southern Residential Ltd (Landlord) c/o
Greenwood & Co.**

Date of Application : **3rd February 2022**

Type of Application : **Sections 13 and 14 of the Housing Act 1988**

Tribunal : **Mr R T Brown FRICS Chairman
Mr M Woodrow MRICS
Mr C Davies FRICS ACI Arb**

Date : **16th March 2022**

REASONS FOR DECISION

© CROWN COPYRIGHT 2022

Background

1. The Tribunal gave formal notice of its decision by a Notice dated 16th March 2022 will be **£175.00 per week (pw)** with effect from 7th March 2022.
2. By an application dated 3rd February 2022, the tenant of the above property referred a notice of increase in rent served by the landlord under section 13 of the Housing Act 1988 to the Tribunal.
3. The landlord's notice, issued by the agent dated the 26th January 2022, proposed a rent of **£190.00 pw** with effect from 7th March 2022, in place of the current rent of £172.00 pw.
4. The tenancy is an assured tenancy. The tenancy agreement is in the form used by the Secretary of State for Defence at the time and is dated 24th June 1987. The tenancy is subject to the Landlord's repairing obligations defined in Section 11 the Landlord and Tenant Act 1985.

Property and Inspection

5. Following the Directions dated 11th February 2022 and the explanation contained therein, the Tribunal did not inspect the premises.
6. Extracting such information as it could from the papers supplied to the Tribunal by the parties, by reference to information publicly available on the internet and with the benefit of its knowledge and experience the Tribunal reached **the following conclusions and found as follows:**
7. The property is located in a residential area of mixed dwellings, many of which were occupied by service personnel, sited north east of Farnborough Airport. Local amenities are available.
8. In the First-tier Tribunal decision dated 3rd June 2019 the property was described as double glazed and built in the early 20th century of rendered brick under a slate covered roof.
9. The accommodation comprises: Ground Floor: Living Room, kitchen, bathroom/W.C. First Floor: 3 bedrooms. Outside: Front and Rear gardens. No off street parking.
10. The property is let unfurnished.
11. The Tribunal assumed that all mains services are connected. There is no central heating.

Hearing

12. A hearing was not requested.

Documents supplied to and considered by the Tribunal

13. Tribunal Directions dated 11th February 2022.

14. Landlord: Tribunal Reply Form.
15. Tenant: Application and Reply Forms, Notice of Increase and Tenancy Agreement.

Landlord's Representations (summarised):

16. The Landlord says in the Reply Form and attachments:
 - a) There are no known items of disrepair.
 - b) The kitchen and bathroom fittings have not been replaced under the current ownership.
 - c) The Tenant is responsible for internal decorations.
17. No photographs or market rent evidence submitted.

Tenant's Representations (summarised)

18. The Tenant says in the Application and Reply Forms:
 - a) The Tenant has improved/repared the rear retaining wall to prevent rain water flooding into kitchen.
 - b) No other improvements have been undertaken.
 - c) The roof is in a poor state.
 - d) Kitchen and Bathroom fittings are 35 years old.
 - e) No central heating and only an old gas fire to heat the whole house.
 - f) Low Energy Performance Certificate rating the property at F.
19. No photographs or market rent evidence submitted.

The Tribunal's Deliberations

20. The Tribunal found as a matter of fact that the notice was a Notice under section 13 as prescribed by Statute.
21. 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 Tenant or Landlord are not relevant to this issue.
22. The Tribunal checked the National Energy Performance Register and noted that the subject property has a certificate registering the property at F expiring on 22nd September 2030. The legal minimum standard for letting a property is rating E.
23. Based on the knowledge of its members the Tribunal finds that the market for this type of property is very sensitive to condition and inventory.
24. The Tribunal, acting as an expert tribunal, determined what rent the landlord could reasonably be expected to obtain for the subject property in the open market if it were let today in the condition and subject to the terms of such a tenancy that is considered usual for such an open market letting. It did this by having regard to the evidence supplied by the parties and the Tribunal's own

general knowledge of market rent levels. Having done so, it concluded that such a likely market rent for a similar modernised property in fair condition with modern central heating, modern bathroom and kitchen facilities, floor coverings, cooker, washing machine and an EPC Rating of E or above would be **£300.00 pw.**

25. The Tribunal, after careful consideration of the current market conditions and the apparent condition of the subject property, determined to make a deduction in respect of issues identified by the Tenant:
- a) No central heating: £25.00
 - b) Dated Kitchen and bathroom fittings: £50.00
 - c) Disrepair (including poor EPC rating): £35.00
 - d) Lack of carpets curtains and white goods: £15.00

Total deduction £125.00 pw

26. Accordingly the Tribunal determined that the market rent for the subject property is **£175.00 pw.**
27. The rent will take effect from 7th March 2022 being the date specified by the landlord in the notice of increase.

Relevant Law

28. Sections 13 and 14 of the Housing Act 1988.
29. Assured Tenancies and Agricultural Occupancies (Forms) (England) Regulations 2015 (SI 2015 No.620)

RIGHTS OF APPEAL

1. A person wishing to appeal this decision (on a point of law only) to the Upper Tribunal (Lands Chamber) 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. Where possible you should send your application for permission to appeal by email to rpsouthern@justice.gov.uk as this will enable the First-tier Tribunal Regional office to deal with it more efficiently.
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.