



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

Case reference : **CHI/43UH/MNR/2022/0016**

Property : **65 Laleham Road, Staines upon Thames,
Surrey, TW18 2EA**

HMCTS code : **P:PAPEREMOTE**

Applicant : **Mr Brian McDonald**

Representative : **None**

Respondent : **South London Freeholds Limited**

Representative : **Hamways Limited**

Type of application : **Determination of a Market Rent
Sections 13 & 14 of the Housing Act 1988**

Tribunal member(s) : **Mrs J Coupe FRICS
Mr M. J. F. Donaldson FRICS MCI Arb MAE
Mr J Reichel BSc MRICS**

**Date of determination
and venue** : **21 April 2022 virtual hearing on the papers**

Date of decision : **9 May 2022**

DECISION

Covid-19 pandemic: Description of hearing

This has been a remote hearing on the papers which has been consented to by the parties. The form of remote hearing was P:PAPERREMOTE. A face-to-face hearing was not held because it was not practicable and all issues could be determined in a remote hearing on papers. The documents that the Tribunal were referred to are in an electronic bundle, the contents of which have been noted. The order made is described below.

Decision of the Tribunal

On 9 May 2022 the Tribunal determined a market rent of £1,260.00 per calendar month to take effect from 11 April 2022.

Background

1. By way of an application received on the 24 February 2022 the Applicant, the Tenant of the Property, referred to the Tribunal an application (the application) referring a notice of increase in rent (the Notice) by the Landlord of the property under Section 13 of the Housing Act 1988 (the Act).
2. The Notice is dated 21 February 2022 and proposed a new rent of £1,278.33 per calendar month instead of the existing rent of £1,240.00 per calendar month, to take effect from 11 April 2022.
3. The tenant succeeded to a periodic assured tenancy under the provisions of the Housing Act 1988 on the 9 June 2003 following the death of his mother, a Rent Act tenant, who had occupied the property since 1964.
4. On 15 March 2022 the Tribunal issued Directions advising the parties that it considered the matter suitable for determination on papers unless either party objected, in writing, within 7 days. No such objections were received. The parties were advised that no inspection would be undertaken.
5. The Directions required the Landlord and Tenant to submit their completed statements by 29 March 2022 (Landlord) and 12 April 2022 (Tenant). No response was received from the landlord.
6. The tenant, within their completed statement, did not indicate that the landlord had been provided with a copy of his submissions.
7. The Tribunal reviewed the parties submissions and determined that it could fairly and reasonably proceed to a decision on the papers.
8. The matter was determined having regard to the evidence contained in the submissions and application.

Law

9. In accordance with the terms of Section 14 of the Act the Tribunal are required to determine the rent at which it considers the subject property might reasonably be expected to let on the open market, by a willing landlord, under an assured tenancy, on the same terms as the actual tenancy.
10. In so doing, and in accordance with the Act, the Tribunal ignores 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.

The Property

11. As stated, and in accord with current Tribunal policy, the Tribunal did not inspect the property, instead relying on the parties evidence and viewing the property via online portals.
12. The property is a bay-fronted two-storey semi-detached house, with brick and rendered elevations beneath a pitched and tiled roof. The property is located in a mixed residential and commercial area, close to public transport and the River Thames.
13. The town of Staines upon Thames is located on the left bank of the River Thames in Surrey and within the M25.
14. The accommodation comprises an entrance hall, kitchen, scullery, living room and dining room to the ground floor and four bedrooms and a bathroom to the first floor.
15. To the front of the property is an enclosed garden area and off road parking for one vehicle. To the rear is a further garden area.
16. There is no garage.
17. Heating is provided by one gas fire. No central heating is installed.
18. White goods, carpets and curtains are provided by the tenant.

Submissions - Tenant

19. In his written evidence the tenant states the accommodation to be dated, lacking in landlords' maintenance and in need of modernisation throughout.
20. He asserts that the bathroom and kitchen fittings have not been updated since his mother secured the tenancy in 1964.

21. He claims that only one gas fire is working in the property and that there is no central heating.
22. In support of his position that the property requires maintenance he draws the Tribunal's attention to dampness under the front living room window.
23. The tenant contends that repairs and maintenance to the kitchen, toilet, bathroom and garden fencing were undertaken by him and that the landlord has failed to carry out any remedial works within five years.
24. The tenant provides no comparable rental evidence as similar properties are let with a modern bathroom and kitchen, central heating and good décor, and, accordingly, cannot be compared to a property unmodernised since 1964.

Submissions - Landlord

25. The landlord provided no written representations for the Tribunal's consideration.

Determination

26. The Tribunal determines a market rent for a property by reference to rental values generally and to the rental values for comparable properties in the locality in particular. It does not take into account the present rent and the period of time which that rent has been charged, nor does it take into account the percentage increase which the proposed rent represents to the existing rent. In addition, the legislation makes it clear that the Tribunal cannot take into account the personal circumstances of either the landlord or the tenant.
27. The Tribunal assesses a rent for the property as it is on the day of the hearing, disregarding any improvements made by the tenant but taking into account the impact on rental value of disrepair which is not due to a failure of the tenant to comply with the terms of the tenancy.
28. Firstly, the Tribunal considered whether the landlord had been prejudiced if the tenant had failed to furnish them with a copy of their statement of case. Having confirmed that Directions were issued to the landlord and that those Directions did not permit a landlord's response to the tenant's filed submissions, the Tribunal concluded that the landlord had suffered no prejudice in the event that the tenant had omitted to provide them with a copy of their case.

29. The Tribunal finds the property to be a two reception, four bedroom and one bathroom semi-detached house in a sought after area. The Tribunal was not provided with any photographic evidence of the property's condition or lack of modernisation and therefore rely on the submissions filed by the tenant.
30. As such, the Tribunal assesses the rental value of the property on an unmodernised basis with bathroom and kitchen fittings dating from around 1964. We also take into account the lack of central heating and the provision of only one gas fire for what can only be considered a sizeable property.
31. The Tribunal concurs with the tenant that adequate heating and modern fittings are considered standard in current open market lettings. The Tribunal therefore makes a rental deduction in this regard.
32. The tenant claims, and the landlord does not refute, that white goods, carpets and curtains are provided by the tenant. The Tribunal therefore make a rental adjustment in this regard.
33. Neither party provide any comparable rental evidence and, therefore, doing the best it can and having regard to the written submission, the Tribunal, using its own general knowledge and expertise of rental values in the area, assesses the rent for the subject property, in good condition, at £1,800.00 per month.
34. Using its experience, the Tribunal decided that the following adjustments should be made to the full open market rent to reflect the condition and provision of tenant's white goods and curtains:

Condition	10%
Lack of heating	10%
Tenants' provision of white goods	5%
Tenants' provision of carpets & curtains	5%
35. Deducting 30% from the full open market rent of £1,800.00 provides a rental figure of £1,260.00 per month.
36. The Tribunal therefore determined that the rent at which the property might reasonably be expected to let on the open market would be £1,260.00 per calendar month.
37. The Tribunal identified no hardship grounds and, accordingly, this rent will take effect from 11 April 2022, being the date of the landlord's notice.

Johanne Coupe FRICS (Chairman)
9 May 2022

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application by email to rpsouthern@justice.gov.uk 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.