



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

Case Reference	:	CAM/42LUD/MNR/2022/0017
Property	:	205 Leven Court, 2 Barnard Square, Ipswich, Suffolk IP2 8FE
Applicant	:	Issac Turner (Tenant)
Representative	:	None
Respondent	:	Notting Hill Genesis (Landlord)
Representative	:	None
Type of Application	:	Section 13(4) Housing Act 1988
Tribunal Members	:	Mr N Martindale FRICS
Date and venue of Hearing	:	23 May 2022 Cambridge County Court, 197 East Road, Cambridge CB1 1BA
Date of Decision	:	23 May 2022

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application dated 5 March 2022 from the tenant of the Property, regarding a notice of increase of rent, served by the landlord' agent, under S.13 of the Housing Act 1988 (the Act).
- 2 The notice, undated, proposed a new rent of £105.84 per week with effect from and including 4 April 2022. The passing rent was stated in the notice, to be £88.80 per week.

- 3 The tenancy is an assured periodic weekly tenancy. A copy of Part 1 of the tenancy was provided, Part 2 was not. A copy of part of the Landlord's notice was provided.

Inspection

- 4 The Tribunal did not inspect the Property owing to the application of the current Covid 19 regulations by the FtT Property Chamber. The Tribunal had regard to Google Street View images of the Property from the public road (@ December 2020). The Property is part of a substantial and new (post 2000) 5 level block of purpose built flats. The walls are brick clad on a steel concrete and glass block. It is located with other new build blocks on the edge of a substantial 1960's industrial estate. The block appears to have been constructed on what appears to have been formerly industrial land near the heart of the Ipswich docks.
- 5 The Property is a second floor flat, with access from a communal ground floor entrance, lift and stairs access. Accommodation comprises, one bedroom, living room, kitchen, bathroom/ WC on one level. Windows appear to be double glazed and water and space heating full fed from a self contained system in the flat or communal block installation. The block appears to be in good condition. The Tribunal assumes that the flat is also in good condition reflecting its relatively new build. There are no additional outside areas let with this Property.
- 6 It is unclear whether the Property was let with chattels but, it is assumed that it was let with flooring to kitchen and bathroom. It is also assumed that it came without carpets to the remainder, nor curtains or white goods.

Representations

- 7 Directions, dated 22 March 2022, for the progression of the case, were issued by Regional Surveyor Mary Hardman. Neither party requested a hearing. The tenant made brief representations with the application. The Tribunal received no representations from the landlord. Neither party completed and submitted a copy of the Tribunal's standard Reply Form issued with the Directions. The Tribunal carefully considered such written representations as it received, from both parties in the application and subsequently.

Law

- 8 In accordance with the terms of S.14 of the Act the Tribunal is required to determine 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

- 9 Based on the Tribunal's own general knowledge of market rent levels in Ipswich, it determines that the subject property would let on normal Assured Shorthold Tenancy (AST) terms, for £160 per week, fully fitted and in good order.
- 10 There were no significant tenant's improvements or additions to consider but, the Tribunal assumes an absence of landlord's 'white goods', floor coverings to main rooms and curtains as is usual with a letting by a social housing provider.
- 11 These factors would slightly affect the starting rent and for these factors the Tribunal deducts £10 per week and determines the new rent for the Property at £150 per week. Although this figure is higher than the rent sought by the landlord in their notice, the Tribunal is required to determine the market rent and sometimes this is higher than the rent sought. Despite this, the landlord remains free to charge any rent up to this figure but, no higher.
- 12 The new rent is payable from and including the date set out in the Landlord's notice, 4 April 2022.

Chairman N Martindale FRICS

Dated 23 May 2022