



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

Case reference : **CAM/00MG/MNR/2022/0033**

HMCTS code : **P:PAPERREMOTE**

Property : **21 Rowle Close, Stantonbury,
Milton Keynes, Bucks MK14 6BJ**

Applicant : **Doreen Odoom and Livinus Korneh**

Respondents : **Lanes Sales and Lettings**

Type of application : **Section 14 of the Housing Act 1988
Determination of market rent
payable.**

Tribunal member(s) : **Mary Hardman FRICS IRRV(Hons)**

Date of decision : **15 June 2022**

DECISION

Covid-19 pandemic: description of hearing

This has been a remote hearing on the papers which the parties are taken to have consented to. The form of remote hearing was P:PAPERREMOTE. A face-to-face hearing was not held because all issues could be determined on paper. Any submissions were in the application from the tenants and the individual bundle produced by the Respondent. I have noted the contents and my decision is below.

Decision:

1. The Tribunal determined a rent of **£800** per calendar month to take effect from **7 April 2022**

Reasons

Background

2. The Landlord by a notice in the prescribed form dated 21 February 2022 proposed a new 'rent' of £800 per month to be effective from 7 April 2022. On 24 March 2022 the tenant referred the Notice to the Tribunal. This was in lieu of the previous rent of £750 per month.
3. Parties were requested to complete a pro forma supplying details of the accommodation on a room-by-room basis, the features of the property (central heating, white goods, double glazing, carpets and curtains) and other property attributes and any further comments that they may wish the tribunal to take into consideration. This could include any repairs and improvements that had been made, any comments on the condition of the property and rentals of similar properties – should they wish to rely on these.
4. The determination would take place based on the submissions from both parties unless either party requested a hearing. Further evidence was submitted by the landlord. Neither party requested a hearing.

The Property

5. The tribunal did not inspect the property but from the information submitted by the landlord and from use of internet property applications can ascertain that the property is a two bedrooled ground floor flat.
6. The accommodation comprises a kitchen, lounge/dining room, two bedrooms and a bathroom.
7. The property has a central heating system and is double glazed. There is a rear garden.

The Tenancy

8. The tenancy appears to be a statutory periodic monthly assured tenancy under the Housing Act 1988 which began on 7 March 2020. Section 11 of the Landlord and Tenant Act 1985 applies in respect of Landlord's repairing obligations.

The Law

9. By virtue of section 14 (1) Housing Act 1988 the Tribunal is to determine a rent at which the dwelling-house concerned might reasonably be expected to be let in the open market by a willing landlord under an assured periodic tenancy-
 - (a) 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 rent) are the same as those of the subject tenancy

10. By virtue of section 14 (2) Housing Act 1988 in making a determination the Tribunal shall disregard –
 - (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 (as defined by section 14(3) Housing Act 1988) carried out by a tenant otherwise than as an obligation; and
 - (c) any reduction in the value of the dwelling-house due to the failure of the tenant to comply with any terms of the subject tenancy.

Representations – Landlord

11. In the written representations the landlord supplied details of the accommodation and features of the property.

12. They had commissioned a damp survey in August 2020 and following recommendations had installed a new electric boiler and vented cylinder and radiators in November 2020. They were unable to install the recommended cavity wall insulation as they did not own or manage the flat above.

13. Some repainting had taken place following the work.

14. They also supplied brief marketing details of a 2 bed roomed flat on Rowle Close in March 2022 which was shown as having an asking rent of £875.

Representation – Tenant

15. No further representations were received from the tenant

Determination

16. 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.
17. 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 (if any) which is not due to a failure of the tenant to comply with the terms of the tenancy.
18. The tribunal notes that the landlord has renewed the heating system and has repainted some of the property.
19. The only evidence provided in terms of comparables is the asking rent of £875 which the landlord has submitted as supporting the revised rent of £800 on this property.
20. The tribunal does not find this unreasonable and in the absence of any other evidence must use its own skill and expertise in arriving at the market rent of the property. It is of the opinion that the market rent for the subject property is £800.
21. The tribunal does not consider that any adjustment is required as set out in paragraph 17 above and, on the basis of the above, the tribunal determines the rent for the subject property at £800 per calendar month with effect from 7 April 2022.

Mary Hardman FRICS IRRV(Hons)
Regional Surveyor

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28-day time limit, such application must include a request for an extension of time and the reason for not complying with the 28-day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).