



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

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| Case Reference | : | CAM/42UD/ MNR/2022 0046 |
| Property | : | Room FF, 68 Grimwade Street Ipswich Suffolk IP4 1LW |
| Applicant | : | Mr Yun Jian Chen (Tenant) |
| Representative | : | None |
| Respondent | : | Mr Euan Walsh (Landlord) |
| Representative | : | Home from Home (letting agents) |
| Type of Application | : | Section 13(4) Housing Act 1988 |
| Tribunal Members | : | Mr N Martindale FRICS |
| Date and venue of Hearing | : | Cambridge County Court, 197 East Road, Cambridge CB1 1BA |
| Date of Decision | : | 18 July 2022 |

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application dated 10 May 2022 from the tenant of the Property, regarding a notice of increase of rent served by the landlord, under S.13 of the Housing Act 1988 (the Act).
- 2 The notice, dated 17 March 2022, proposed a new rent of £495 per calendar month, with effect from and including 13 May 2022. The passing rent was £430 per calendar month with effect from 18 September 2021.

- 3 The Tribunal received brief written representations from each party. A copy of the existing assured shorthold tenancy and of the notice of rent increase, were included. There was no hearing.

Tenants' Representations

- 4 The tenant and landlord both set out the accommodation at the Property, briefly: A double room on the first floor with double bed, wardrobe and chest of drawers; with ensuite, in a former mid Victorian 2 storey detached house: 7 letting rooms in all and shared lounge, kitchen, 2 shower/wc rooms. This room had a new carpet when it was first let in 2019. Adjacent shared side garden and off road parking. The house fronts the busy one way city centre road, the A1156.
- 5 The tenant mentioned defects and limitations of the accommodation in the Property and shared areas. There was concern over the limitations of the fixed heating system and its timings from the tenant.
- 6 The tenant did not offer any rental market evidence.

Landlord's Representations

- 7 The landlord set out the accommodation briefly as had the tenant. The Property had full central heating but, no double glazing. The landlord provided carpets and curtains and white goods to the shared kitchen.
- 8 The landlord included lettings evidence from this HMO where the room is located. These included room 3 just let, same size, without ensuite for £475 pcm; of room 5 smaller, let for £425 pcm with shower/ basin but no WC and of room 6 let for £445 pcm without ensuite.
- 9 There was also reference to the rental market more generally for double rooms with ensuite in Ipswich which were said to range from £475 to £575 pcm. Besides general rising rents, the landlord suggested that a major cause for the change in rent was down to rising costs from power companies; and from increased use of the Property with tenants increasingly working from home rather than at an outside workplace as prior to national lockdowns. In the case of this room there was additional concern over extensive use of a portable heater which added to the justification of a rent rise, according to the landlord.

Inspection

- 10 Owing to the ongoing Coronavirus Pandemic across England the Tribunal does not currently carry out either internal or external inspections.

Law

- 11 Under S.14 of the Act the Tribunal determines 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

- 12 The passing rent was £430 set in September 2021. The proposed increase of £65 pcm from April 2022 therefore represented a 15% increase in approximately 9 months. This increase appeared excessive to the Tribunal.
- 13 Based on the Tribunal's own general knowledge of market rent levels in and around Ipswich, Suffolk, the Tribunal determines that the subject property would let on normal Assured Shorthold Tenancy (AST) terms, for £475 per calendar month, fully fitted and in good order. In doing so the Tribunal takes account of the rise in market rents, of power consumed the cost of which is included in the rent and its rising cost since the passing rent was set. The lease contains no limitation on the use of power at the HMO by the tenant.
- 14 The Market rent with effect from and including 13 May 2022 is determined at £475 pcm.

Name: Neil Martindale **Date:** 18 July 2022

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).