



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

Case reference : **CAM/33UD/MNR/2022/0049**

HMCTS code : **P: PAPERREMOTE**

Property : **Flat 2, 27 Reepham Road, Briston,
Melton Constable, Norfolk, NR24
2JL**

Applicant : **Roger and Tanya Smith**

Respondent : **Countryside Residential 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 August 2022**

DECISION

Covid-19 pandemic: description of hearing

- A. This has been a remote hearing on the papers which the parties are taken to have consented to, as explained below. The form of remote hearing was P:PAPERREMOTE. A face-to-face hearing was not held because all issues could be determined on paper.

Decision:

1. The Tribunal determined a rent of **£510** per calendar month to take effect from 31 July 2022.

Reasons

Background

2. The Landlord by a notice in the prescribed form dated 26 May 2022 proposed a new 'rent' of £700 per calendar month to be effective from 31 July 2022. On 5 June 2022 the tenant referred the Notice to the Tribunal. This was in lieu of the previous rent of £460 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. They were invited to include photographs and were informed that the Tribunal may use internet mapping applications to gather information about the location of the property and may inspect externally.
5. The determination would take place based on the submissions from both parties unless either party requested a hearing. Evidence was submitted by the landlord or the tenant. There was no request for a hearing.

The Property

6. The tribunal inspected the property on 15 August 2022. The tenants were present at the inspection.
7. The property is a first floor, one bedroomed flat in a converted house. Access is from the front via a steep but wide staircase.
8. The accommodation comprises a living room, kitchen, one bedroom and bathroom.
9. There is off-road parking and a small communal garden to the rear which adjoins other residential units on the site.
10. Heating is via oil fired central heating and the property has double glazing.
11. The stove, hob and hood, carpets and curtains were provided by the landlord. Both kitchen and bathroom are fairly dated, and the flat décor is rather tired.

12. The tenants inform the tribunal that whilst they are responsible for the supply of heating oil the electricity and water are supplied by the landlord and included in the rent.
13. There is also a utility room to the rear of the property which has a washer and dryer. This is shared with the other tenants and is included in the rent.

The Tenancy

14. The Tenancy commenced as a contractual Assured Shorthold Tenancy for a fixed term of 6 months from 31 March 2021. A copy of the agreement (undated) was provided. From 30 September 2021 a statutory tenancy on the terms of the written agreement appears to have arisen. Section 11 of the Landlord and Tenant Act 1985 applies in respect of Landlord's repairing obligations

The Law

15. 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
16. 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.

Representation – Landlord

17. The landlord completed the pro forma to the extent that they said they confirmed there was double glazing and central heating. The carpets and curtains and white goods were provided by the landlord.
18. There was a large car park, a communal garden which was paid and maintained by the landlord and a communal washing room where the washer and dryer were supplied by the landlord.

19. No evidence of comparable properties was provided by the landlord.

Representations – Tenants

20. The tenants provided a comprehensive submission. They included details of the accommodation and confirmed the landlord's details on the central heating, double glazing, carpets, curtains and white goods.
21. They supplied the heating oil for the central heating/hot water.
22. They said the Briston had very limited bus services, few shopping amenities and legible employment. Although the property included electricity and water usage there were the costs of running a car, heating oil, council tax and Internet.
23. They provided a number of comparables which were on the market in May and June 2022

1	1 bed flat	Beeston Regis – 13 miles	£450pcm
2	1 bed flat	Cromer – 15 miles	£460pcm
3	1 bed flat	Hunstanton – 26 miles	£465pcm
4	1 bed flat	Downham Market – 30 miles	£475pcm
5	1 bed flat	Kings Lynn – 20 miles	£495pcm
6	1 bed flat	Cromer	£500
7	1 bed cottage	Holt- 5 miles away	£550
8	Average rent of above		£485

24. They also said that they understood that the ground floor flat was recently on the market for £750pcm. It was around twice the size of Flat 2, had three more rooms, a garden, greenhouse, shed and two dedicated parking spaces and its own separate entrance. They understood the new tenants to be paying less than £750pcm.
25. They believed that a rent of around £460 was correct.

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.
27. In addition, the legislation makes it clear that the Tribunal cannot take into account the personal circumstances of either the landlord or the tenant.
28. 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 any disrepair which is not due to a failure of the tenant to comply with the terms of the tenancy.
29. The tribunal has reviewed the comparables provided by the tenant. It has disregarded the one-bedroom cottage at £550, and does not disagree that around £460 pcm appears to be a reasonable assessment of the market rent on the normal terms of letting. It has not made any further adjustment for condition, as whilst somewhat tired, it does not appear to differ greatly from the norm for properties in this rental market.
30. However, this property has the benefit of electricity and water supply and provision of washing/drying facilities included in the rent. Using its judgment and expertise, the tribunal is of the opinion that the open market rental value for the property with electricity and water included is **£510 per calendar month** and makes its determination on this basis

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).