



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

**Case reference** : **BIR/00FY/MNR/2022/0061**

**Property** : **4 City View  
Mapperley  
Nottingham  
NG3 6DE**

**Applicant** : **Mr F Dilks**

**Representative** : **None**

**Respondent** : **Mrs L Bennett**

**Representative** : **Grainger & Oaks**

**Type of application** : **Application under Section 13(4) of the  
Housing Act 1988 referring a notice  
proposing a new rent under an Assured  
Periodic Tenancy to the Tribunal**

**Tribunal members** : **G S Freckelton FRICS  
Mrs K Bentley**

**Venue and Date of  
Determination** : **14<sup>th</sup> October 2022**

**Date Reasons issued** : **8<sup>th</sup> November 2022**

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**DETAILED REASONS**

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## **BACKGROUND**

1. On 8<sup>th</sup> August 2022, the Applicant (tenant of the above property) referred to the Tribunal, a notice of increase of rent served by the Respondent (landlord of the above property) under section 13 of the Housing Act 1988.
2. The Respondent's notice, which proposed a rent of £900.00 per month with effect from 29<sup>th</sup> August 2022, is dated 26<sup>th</sup> July 2022.
3. The date the tenancy commenced is stated on the Application Form as being December 2013 although the Tenancy Agreement provided by the Applicant confirms the commencement date as being 29<sup>th</sup> January 2020 and is an Assured Shorthold Tenancy. The current rent is stated as being £725.00 per month.

## **INSPECTION**

4. The Tribunal inspected the property on 14<sup>th</sup> October 2022 in the presence of the Applicant. The Respondent did not attend the inspection. The property comprises of a modern end town house of brick construction surmounted by a pitched tiled roof.
5. Briefly the accommodation comprises of a canopy porch and entrance hall with stairs off to the first floor. There is a cloakroom with low-level W.C and wash hand basin. The hallway leads to the lounge/dining room with laminate floor and store off and to the kitchen fitted with a range of base and wall units incorporating a stainless-steel sink unit, oven and hob.
6. To the first floor the landing leads to double bedroom 1, small double bedroom 2 and single bedroom 3. There is an en-suite shower room to bedroom 1 being fitted with a shower, wash hand basin and low-level W.C. There is a family bathroom having a three-piece sanitary suite with shower mixer over the bath and tiled splashbacks.
7. The property has upvc double glazing and gas fired central heating. There is an open plan lawned front garden and driveway to the side giving vehicle parking. To the rear is a private lawned garden with patio and timber shed.
8. At the time of the Tribunal's inspection, we were informed that the Applicant had provided the blinds and curtain rails to the lounge/dining room and all the rails and curtains to the first floor. The Applicant also provided the washing machine (to replace the one provided by the Respondent which had broken), fridge, dishwasher and had re-covered the shed roof.
9. The property was found to be in generally good condition throughout commensurate with its age and type.

## **EVIDENCE**

10. The committee received written representations predominantly comprising of comparable lettings from both parties which were copied to the other party. These included:

### *Applicant's Comparables*

- 1) 7 City View Mapperley – a three-bedroom house with two bathrooms offered at £825.00 per month

- 2) 3 City View Mapperley – a three-bedroom detached house offered at £825.00 per month.
- 3) A nearby three-bedroom house offered at £750.00 per month.
- 4) A nearby house with four bedrooms offered at £800.00 per month.

Respondent's Comparables

- 1) A three-bedroom established semi-detached house in Robinson Road Mapperley offered at £1,150.00 per month
  - 2) A three-bedroom town house in Macmillan Close Mapperley offered at £925.00 per month.
  - 3) A three-bedroom terraced house in Pendle Crescent offered at £1,025.00 per month.
  - 4) A three-bedroom house in Kenrick Road, Mapperley offered at £950.00 per month.
11. Neither part requested a hearing and the matter was therefore dealt with by a paper determination.

**THE LAW**

12. In accordance with the terms of section 14 Housing Act 1988 the Tribunal proceeded to determine the rent at which it considered that the subject property might reasonably be expected to be let on the open market by a willing landlord under an assured tenancy.
13. In so doing the Tribunal, as required by section 14(1), ignored the effect on the rental value of the property of any relevant tenant's improvements as defined in section 14(2) of that Act.

**THE TRIBUNAL'S DECISION**

14. The Tribunal determined that the property was modern and well maintained. It was situated in a convenient attractive area which would appeal to a wide range of tenants.
15. The Tribunal noted that the white goods (except the oven/hob unit) and most curtain rails and curtains were provided by the Applicant.
16. The Respondent is now proposing a rent of £900.00 per month. The property includes an oven, hob and carpets but curtains are not included.
17. The Tribunal determined that an open market rent of £850.00 per month would be appropriate for the property as offered if in good condition but that deductions were required to reflect the above.
18. The Tribunal therefore considered the various monthly deductions to reflect the items referred to above as follows:

White Goods	30.00
<u>Curtain rails and curtains</u>	<u>20.00</u>
Total	£50.00

19. In coming to its decision, the Tribunal had regard to the comparables provided by the parties and the members' own general knowledge of market rent levels in the area of Nottinghamshire. The Tribunal concluded that an appropriate market rent for the property would be £800.00 per month (£850.00 - £50.00)
20. The Tribunal therefore determined that the rent at which the property might reasonably be expected to be let on the open market would be £800.00 per month.
21. The rent will take effect from 29<sup>th</sup> August 2022, being the date of the Respondent's notice.

### **APPEAL**

22. Any appeal against this Decision must be made to the Upper Tribunal (Lands Chamber). Prior to making such an appeal the party appealing must apply, in writing, to this Tribunal for permission to appeal within 28 days of the date of issue of this Decision, (or, if applicable, within 28 days of any decision on a review or application to set aside) identifying the decision to which the appeal relates, stating the grounds on which that party intends to rely in the appeal, and stating the result sought by the party making the application.

G S Freckelton FRICS  
Chairman  
First-tier Tribunal Property Chamber (Residential Property)