



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

Case Reference : **MAN/00FA/MNR/2022/0036**

Property : **59 Wareham Close
Dorchester Road
Hull
HU7 6AX**

Applicant : **Miss S Carter**

Respondent : **Places for People Homes Ltd**

Type of Application : **Appeal under Housing Act 1988 (the “Act”)
Section 13(4)**

Tribunal Members : **Mr J Platt FRICS
Mr P Mountain**

Date of Decision : **20 July 2022**

DECISION

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Determination

1. The Market Rent for the Property is £92.69 per week.

Background

2. By Application received 3 March 2022 the Applicant referred to the Tribunal a notice of increase of rent (the “Notice”) served by the Respondent under section 13 of the Housing Act 1988 (the Act).
3. The Notice dated 11 February 2022 proposed an increased rent of £92.69 per week with effect from 4 April 2022.
4. The relevant tenancy of the Property is an assured tenancy that began on 2 August 1993.

The Law

5. The Act provides in section 13(2) as amended by the Regulatory Reform (Assured Periodic Tenancies) (Rent Increases) Order 2003 that the date in paragraph 4 of the Landlord’s notice (the date the new rent becomes payable) must comply with three requirements.
6. The first requirement is that a minimum period of notice must be given before the proposed new rent can take effect. That period in this case is one month.
7. The second requirement is that the starting date (relevant for the facts of this case) must not be less than 52 weeks from the first rent period of the tenancy. (There are exceptions to this but they do not apply in this case.)
8. The third requirement is that the proposed new rent must start at the beginning of a period of the tenancy (see paragraph number 17 of the Guidance Notes forming part of the prescribed form of the Landlord’s Notice).
9. Section 14 of the Act requires the Tribunal to determine the rent at which it considers the subject property might reasonably be expected to be let on the open market by a willing Landlord under an Assured Tenancy. In so doing the Tribunal is required by Section 14 (1) to ignore the effect on the rental value of the property of any relevant tenants’ improvements as defined in Section 14 (2) of the Act.

Deliberations

10. Neither party requested a hearing, nor an internal inspection and the Tribunal convened on 19 July 2022 to make its determination. The Tribunal did not inspect the property. The Applicant describes the property as a three-bedroom terraced house with gardens to the front and rear.

Evidence

11. Neither party presented written evidence of market rent of comparable properties.
12. Within her application, the Applicant contends that she has made a number of improvements to the property, including:
 - Fitted kitchen
 - Internal doors
 - Plastering to lounge
 - Fully tiled bathroom
 - Skirtings
 - Fencing and paving to gardens

The Tribunal's Decision

13. The Tribunal first had to determine that it had jurisdiction to hear the Application. The Tribunal had to determine that the landlord's notice under Section 13 (2) satisfied the requirements of that section and was validly served.
14. There was no issue as to whether it was more than 52 weeks since the last rent increase; that minimum notice of increase had been given; that the date for commencement of the new rent proposed by the landlord was the start of a new period of the tenancy; and in addition, that the tenant had received the Guidance Notes forming part of the Notice. The Tribunal determined that the landlord's Notice satisfied the requirements of Section 13 (2) and there was no argument as to the validity of its service.
15. In the absence of any market evidence submitted by the parties, the Tribunal used its own knowledge and expertise of market rent levels for the East Yorkshire and Humberside area and its knowledge that there is no particular shortage of lettings in the area.
16. The Tribunal determined that the rent at which the Property in good order might reasonably be expected to be let on the open market would be £115.00 per week. The Tribunal disregarded the increase in the rental value of the property attributable to the tenant's improvements and determined that the adjusted market rent is £92.69 per week.

18. No relevant evidence was before the Tribunal in relation to Section 14 (7) whether undue hardship would be caused to the Applicant by the new rent being payable from 4 April 2022, the date specified in the Respondent's Notice. In the circumstances the Tribunal determined that the payment of rent at the rate of £92.69 per week should take effect from 4 April 2022.

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