



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

Case reference : **CHI/18UG/MNR/2023/0057**

Property : **5 The Meadows, East Portlemouth,
Salcombe, Devon TQ8 8PE**

Applicant : **Mr Paul Allen**

Representative : **None**

Respondent : **The Waterhouse Trust**

Representative : **Charles Head & Son Letting Agents**

Type of application : **Section 13(4) Housing Act 1988**

Tribunal members : **Mr D Jagger MRICS
Mr J Reichel BSc MRICS
Mrs J Coupe FRICS**

Venue : **Paper determination**

Date of decision : **30th May 2023**

DECISION

Decision of the tribunal

- (1) The Tribunal determines that the rent that the property in its current condition as at 1st May 2023 might reasonably be expected to achieve in the open market under an assured tenancy is **£612.50 per month**

Background

1. The tenant has lived in the property as an assured periodic tenant since 1st March 1989 with an agreement with Isabel Laleah Waterhouse. There was a subsequent agreement dated 1st June 1999. At that time the prefabricated detached bungalow was in a basic condition. Over the years, it is evident to the Tribunal that the tenant has undertaken works of repair and improvement to the property which included: a solid fuel Rayburn, kitchen work surfaces, tiles, taps and repair to kitchen units, two electric storage heaters, internal decorations, and extensive works to the mature garden.
2. On the 14th March 2023 the landlord served a notice pursuant to section 13(2) of the Housing Act 1988 seeking to increase the rent from £546 to £562 per month effective from 1st May 2023. The Landlord is a Registered Charity and a provider of rental properties for families in the local area.
3. By an undated application received by the Tribunal on the 17th March 2023, the tenant referred that notice to the Tribunal for a determination of the market rent. The Tribunal issued Directions for the conduct of the matter on 5th April 2023.
4. The Tribunal considered the matter suitable for a determination on the papers and therefore a hearing was not necessary. The parties did not disagree with this arrangement.

The Evidence

5. The parties have submitted helpful evidence which includes comparable evidence, the two tenancy agreements, completed rent appeal statement, property visit report dated 16/07/2021 and photographic evidence.

Inspection

6. The Tribunal did not inspect the property and relied on the detailed information provided by the parties and its expert knowledge. The

property is a detached concrete panel prefabricated bungalow set in mature gardens. The property is located in a rural village situated on the southern end of the Kingbridge Estuary.

7. The accommodation comprises three bedrooms, living room, kitchen, bathroom.

The Law

8. The rules governing a determination are set out in section 14 of the Housing Act 1988. In particular, the Tribunal is to determine the rent at which the property might reasonably be expected to be let in the open market by a willing landlord under an assured tenancy, subject to disregards in relation to the nature of the tenancy (i.e. it being granted to a “sitting tenant”) and any increase or reduction in the value due to the tenant’s improvements or failure to comply with the terms of the tenancy. In the absence of any evidence to the contrary, the Tribunal has proceeded on the basis that the landlord is responsible for repairs to the structure, exterior and any installations pursuant to section 11 of the Landlord and Tenant Act 1985 and the tenant has a duty to keep the property in good decorative order as per the tenancy agreement.

The valuation

9. Having carefully considered all the evidence the Tribunal considers that the rent that would be achieved in good condition with refurbished kitchen and bathroom fittings, modern services, central heating, carpets, curtains, white goods supplied by the landlord would be **£875** per month. The Tribunal did its very best to analyse the 12 generic “Rightmove” comparable evidence provided by the landlord’s agent. This ranged from £1200pcm-£725pcm from 1/1/2021 through to 13/4/2023 over a 5-mile radius. This is a somewhat individual property in terms of location and type. Therefore, the Tribunal had to make certain assumptions regarding specification, location, floor area, building type, actual achieved rent value and any market movement compared with the date of valuation.
10. That however is the rent that would be achieved if the property was let in good condition with all modern amenities. The Tribunal must disregard any increase in rental value attributable to the tenant’s improvements, unless they are carried out under an obligation to the landlord. The Tribunal has been provided with a copy of the tenancy agreement, which incorporates the usual repair obligations.
11. Based upon the evidence provided to the Tribunal we consider that the rent should be reduced by £262.50 (30%) to reflect the need for internal refurbishment, no central heating, carpets or curtains, white goods and double glazing. the terms of the tenancy and substandard method of

construction. Our deduction reduces the rent to a figure of **£612.50** per month

12. The Tribunal received no evidence of hardship and, therefore, the rent determined by the tribunal is to take effect from **1st May 2023**.
13. The rental figure determined by the Tribunal exceeds that proposed by the landlord. Such figure is the maximum rent payable. However, the landlord is under no obligation to charge the full amount.

D Jagger MRICS Valuer Chair

30th May 2023

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).