



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

Case reference : **BIR/OOFY/MNR/2023/0004**

Property : **Room 3
23 Leys Hill Street
Nottingham
NG2 4 JW**

Applicant : **Mr S Mottershaw**

Representative : **None**

Respondent : **Mr R Cunnington**

Representative : **None**

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 (Chairman)
Mrs K Bentley**

**Venue and Date of
Determination** : **The matter was dealt with by a Video
Hearing on 23rd March 2023**

DETAILED REASONS

BACKGROUND

1. On 26th December 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. The application was received by the Tribunal on 29th December 2022.
2. The Respondent's notice, which proposed a rent of £550.00 per calendar month with effect from 1st January 2023, is dated 17th November 2022.
3. The date the tenancy commenced is stated on the Application Form as being on 20th June 2014 and is an Assured Shorthold Tenancy. The current rent is stated in the Respondent's notice as being £430.00 per calendar month.
4. The Tribunal issued its Decision following an inspection and hearing via the Tribunal Video Hearing Service on 23rd March 2023. The Applicant subsequently requested written reasons and these detailed reasons are provided in response to that request.

INSPECTION

5. The Tribunal carried out an inspection of the property prior to the hearing and found it to be a terraced house of brick construction surmounted by a pitched slate roof. The property has full double glazing and gas fired central heating. It is let as four separate rooms.
6. The accommodation comprises of an entrance hall with radiator and stairs off to the first floor. There is a bedroom to the front and shared lounge to the rear with doors to the rear yard and access to the kitchen which is well fitted and includes a stainless-steel sink, oven, hob, washer, dryer and fridge.
7. There is understood to be cellar but there is no access and it is not used by any of the tenants. To the ground floor there is also a shower room with shower, wash hand basin and low-level WC.
8. On the first floor is a further shower room with shower, wash hand basin and WC together with further letting bedrooms. There is a further bedroom on the second floor. Only three of the tenants made application to the Tribunal and therefore, only the three rooms let to the various Applicants have been inspected together with the common parts.
9. There is a small front forecourt and small private rear yard with gated access. There is no off-street parking or garage space.
10. Room 3 is located to the first floor and is of a fairly good size having a bay window. The room has a radiator and apart from floor coverings includes a bed, wardrobe, chest, chair, desk and bedside cupboard.
11. Based on the Application Form and copy tenancy agreement provided in respect of Room 1 the Tribunal understands that the rental includes gas, water and electricity charges together with any Council Tax and broadband. The Tribunal understands that all the tenancy agreements are in a similar format.

EVIDENCE

12. The Tribunal received written representations from both parties which were copied to the other party. A hearing was held via the Tribunal Video Hearing Service. In their written submissions and at the hearing the parties submitted:

The Applicant submitted:

- 1) That the fire alarms had not been tested and it was understood that the Respondent had been fined.
- 2) The boiler had been serviced but PAT testing had not been carried out.
- 3) That the increase in rent sought by the Respondent for all the tenants was in the region of 30%. The Respondent had informed all the Applicants that there had been an increase in all his energy bills although the Applicants had seen no evidence of this.
- 4) That the general level of rents based on various comparables of nearby properties indicated rents between £400.00 - £470.00 per month.
- 5) That the room was not en-suite or particularly luxurious.
- 6) That the rent paid by the tenant for the room who had not applied to the Tribunal was only £470.00 per month. This letting was understood to be fairly recent.
- 7) That the Respondent has suggested that the Applicant wear warmer clothing in the house as one of the ways of reducing energy usage.

The Respondent submitted:

- 1) That the cost of providing energy had increased considerably since October 2022 and the rents he had proposed were based on other comparable rooms in the area.
- 2) In particular it was submitted that other rooms in the area with good quality furniture (which he considered this room to have) was in the region of £525.00 - £600.00 per month.

13. A general discussion took place regarding the level of energy costs due to some of the tenants working from home which resulted in the costs being higher than if the house was unoccupied all day.

THE LAW

14. 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.
15. 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

16. The Tribunal notes that the Respondent considers the property to be in generally good condition with high quality furnishings. The Applicant does not agree with the Respondent and the Tribunal agrees with the Applicant on this point. The Tribunal

considers the property and general furnishings to be of a fairly basic standard with the exception of the Kitchen which is well fitted.

17. The Tribunal considered the comparables provided by the parties although they were mainly of a general nature.
18. The Tribunal accepts that the bills paid by the Respondent for energy will have increased.
19. In coming to its decision, the Tribunal had regard to the members' own general knowledge of market rent levels in the area of Nottingham.
20. The Tribunal therefore concluded that an appropriate market rent for the property would be £490.00 per calendar month.
21. The Tribunal therefore determined that the rent at which the property might reasonably be expected to be let on the open market would be £490.00 per calendar month. This figure includes gas, electricity, water, broadband and Council Tax as specified in the Tenancy Agreement.
22. This rent will take effect from 1st January 2023, being the date of the Respondent's notice.

APPEAL

23. Any appeal against this Decision can only be made **on a point of law** and 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)