



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

**Case Reference** : BIR/00FK/MNR/2023/0062

**Property** : 3 Hermitage Drive Derby DE22 2LY

**Landlord** : Future Homescape Ltd.

**Tenant** : Rebecca Seeley

**Type of Application** : An Application for a Determination under  
Section 14 of the Housing Act 1988

**Tribunal Members** : Nicholas Wint BSc Hons FRICS  
Kay Bentley

**Date of Decision** : 6 July 2023

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**STATEMENT OF REASONS**

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## **BACKGROUND**

1. By way of a notice dated 28 February 2023, Futures Homescape (“the Landlord”), sought to increase the rental in respect of 3 Hermitage Drive Derby DE22 2LY (“the Property”) to £165.85 per week under section 13 of the Housing Act 1988 (“the Act”) with effect from 3 April 2023.
2. The tenancy commenced on 1 August 2022 and the rent payable at the time of the notice was £155 per week.
3. By an application dated 19 April 2023, Rebecca Seeley (“the Tenant”) referred the Notice of increase of rent served by the Landlord to the Tribunal.
4. The Tribunal issued its Directions dated 16 May 2023 and listed the case on 6 July 2023 carrying out an internal inspection on the same day. Neither party requested a hearing, the matter proceeding by written documents only.
5. Apart from both parties completing the standard Reply Form, no further written submissions were received from either side.
6. After consideration of the available evidence and the applicable law, the Tribunal determined a rental of £165 per week with effect from 6 July 2023, the latter date being due to hardship as the Tenant is on Universal Credit.
7. Upon receipt of the decision the Tenant requested the Tribunal provide reasons. These written reasons should therefore be read in conjunction with the Decision of the Tribunal dated 6 July 2023.

## **THE PROPERTY**

8. The Property is located approx. 3 miles north west of Derby city centre off Kedleston Road in Quarndon on a relatively new housing estate.
9. The accommodation briefly comprises a modern semi-detached 2-storey house comprising a hall, living room, breakfast/ kitchen, ground floor WC and on the first floor two bedrooms (both double) and a family bathroom. The Property is centrally heated and has double-glazed windows. There is driveway parking for two cars to the side of the property and a rear garden with side access.
10. The Tenant has supplied the carpets and curtains as well as the white goods. In addition, the Tenant has fitted laminate flooring in the living room as well as various light fittings. No other improvements have been carried out to the Property by either the Landlord or Tenant since it was first let.

11. On its inspection the Tribunal found the Property to be in generally good condition reflecting its recent construction although noted that there is an issue concerning the rear kitchen door not closing properly. The Tenant also pointed out that the rear garden tends to flood when it is raining and that some drainage and guttering was missing. The Tenant also referred to some ventilation issues which has previously led to some mould and staining occurring in some rooms and in particular the kitchen and bathroom.

## **EVIDENCE**

12. The Tribunal received no written representations from either party except in connection with the submitted Reply Forms and the information contained therein.
13. Neither the Landlord or Tenant made any further representations.

## **THE LAW**

14. Section 14 of The Housing Act 1988 states:

'(1) Where, under subsection (4)(a) of section 13 above, a tenant refers to a rent assessment committee a notice under subsection (2) of that section, the committee shall determine the rent at which, subject to subsections (2) and (4) below, the committee consider that the dwelling-house concerned might reasonably be expected to be let in the open market by a willing landlord under an assured tenancy -

- (a) which is a periodic tenancy 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 the rent) are the same as those of the tenancy to which the notice relates; ...'

'(2) In making a determination under this section, there shall be disregarded -

- (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 carried out by a person who at the time it was carried out was the tenant, if the improvement-
  - (i) was carried out otherwise than in pursuance of an obligation to the immediate landlord ...

15. The jurisdiction of the Rent Assessment Committee was transferred to the First-tier Tribunal (Property Chamber) from 1st July 2013.
16. In accordance with the terms of section 14 of the Housing Act 1988 the Tribunal must determine the rent at which it considers that the subject property might reasonably be expected to let on the open market by a willing landlord under an assured tenancy.
17. In so doing the Tribunal, as required by section 14(1), must ignore the effect on the rental value of the property of any relevant tenant's improvements as defined in section 14(2) of the Act.

## **VALUATION**

18. In reaching its determination, the Tribunal has had regard to the evidence and submissions of the parties, the relevant law and their own knowledge and experience as an expert Tribunal but not any special or secret knowledge.
19. In the first instance, the Tribunal determined what rent the landlord could reasonably be expected to obtain for the Property if it were let today in the condition that is considered usual for such an open market letting.
20. The Tribunal, as an expert Tribunal, used its own general knowledge of market rental levels in the area and from its own research into rental values for similar types of property from the surrounding areas. The Tribunal also had regard to the location, accommodation, and condition/ disrepair of the Property in relation to the evidence it considered.
21. The Tribunal considered the Tenants improvements and made an adjustment to the rent for the additions made by the Tenant. Taking all factors into consideration, the Tribunal was satisfied and concluded that the likely market rental would be £165 per week. The Tenant advised she is on Universal Credit and the Tribunal decided to have regard to this by determining the rent shall not increase until 6 July 2023 and not the date in the notice served by the Landlord.
22. The rent determined by the Tribunal for the purposes of Section 14 was, therefore, £165 per week with effect from 6 July 2023.

## **RIGHT OF APPEAL**

23. If either party is dissatisfied with this decision, they may apply for permission to appeal to the Upper Tribunal (Lands Chamber) **on a point of law only**. Prior to making such an appeal, an application must be made, in writing, to this Tribunal for permission to appeal. Any such application must be made within 28 days of the issue of this decision (regulation 52 (2) of The Tribunal Procedure

(First-tier Tribunal) (Property Chamber) Rule 2013) stating the grounds upon which it is intended to rely in the appeal.

**Nicholas Wint BSc (Hons) FRICS**