



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

Case reference : **BIR/OOFY/MNR/2023/0029**

Property : **3 Kingsmoor Close
Southglade Park
Nottingham
NG5 9RE**

Applicant : **Christine Lindblom**

Representative : **None**

Respondent : **Mears Housing Management Limited**

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 : **Mr G S Freckelton FRICS
Mrs K Bentley**

**Venue and Date of
Determination** : **The matter was dealt with by a Paper
Determination on 14th August 2023**

DETAILED REASONS

BACKGROUND

1. On 1st March 2023, 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 £751.84 per month with effect from 1st April 2023, is dated 20th February 2023.
3. The date the tenancy commenced is stated on the Application Form as being on 1st August 2009 and is stated by the Applicants as being an Assured Periodic Tenancy. The current rent is stated in the Respondents notice as being £702.65 per month.
4. The Tribunal issued its Decision following the inspection on 14th August 2023. The Respondent 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 which comprises a detached house of traditional brick construction surmounted by a pitched tiled roof.
6. Briefly the accommodation comprises of a canopy porch, hallway with stairs off to the first floor having a store under (accessed from the lounge), kitchen fitted with a range of base and wall cupboards including a stainless-steel sink unit. To the rear is a lounge/dining room with a patio door leading to the small rear garden.
7. On the first floor the landing leads to two double bedrooms and one single bedroom. There is a bathroom fitted with a three-piece sanitary suite having an electric shower over the bath. There is an airing cupboard housing the hot water cylinder having a loose lagging jacket.
8. The house has gas fired central heating and double glazing.
9. Externally there is a small open plan front garden. To the rear is a small private garden. A driveway to the front leads to a single integral garage.

EVIDENCE

10. The Tribunal received written representations from the Parties.
11. Neither party requested a hearing and the matter was dealt with by a paper determination.
12. Neither party made any representations regarding the property. The Applicant returned the property information form and the Respondent provided a copy of the Notice of Increase.

THE LAW

13. 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.

14. 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

15. During the inspection the Tribunal noted that there was minor damage to the front bedroom ceiling.

16. In coming to its decision, the Tribunal had regard to the members' own general knowledge of market rent levels in the area of Nottinghamshire.

17. Having regard to the general level of rents in the area the Tribunal concluded that if the subject property had been in good condition the market rental value would have been £800.00 per month.

18. The Tribunal then made the following adjustments to reflect the improvements carried out by the Applicant:

1) Curtains	15.00
2) <u>White Goods</u>	<u>12.00</u>
Total	£27.00 per month

19. However, the property as inspected by the Tribunal was not in the condition that would be expected in the open market and the Tribunal therefore also made the following deductions to reflect the condition of the property as follows:

1) Damage to ceiling	2.00
2) Old worn carpets	21.00
3) <u>Inadequate lagging jacket</u>	<u>4.00</u>
Total	£27.00 per month

20. The Tribunal therefore concluded that an appropriate market rent for the property would be £746.00 per month (£800.00 - £27.00 - £27.00).

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 £746.00 per month.

22. The rent is effective from 1st April 2023 being the date on the Respondents 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)