



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

Case Reference : **BIR/41UG/MNR/2023/0027**

Property : **21 Weaver Close Alsager ST7 2NZ**

Tenant : **Ms N Locker**

Landlord : **Mr R Atkinson & Mrs M Atkinson**

Type of Application : **An 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 Member : **V Ward BSc Hons FRICS – Regional Surveyor**

Date of Decision : **20 November 2023**

Date of Statement of Reasons : **30 November 2023**

STATEMENT OF REASONS

BACKGROUND

1. The Notice of Rent Increase served by the Landlord dated 6 February 2023 sought to increase the rental of the Property from £715.00 per calendar month to £755.00 with effect from 7 April 2023. The Tenant's application was received on 17 February 2023.
2. The tenancy commenced on 7 January 2022.

The Property

3. The Tribunal carried out an inspection of the Property on 11 October 2023. A Representative of the Tenant provided access. The Landlord did not attend.
4. The end terraced Property is situated fronting onto Weaver Close, a small estate of similar properties approximately 1.3 miles from the centre of Alsager. The plot upon which the Property stands is effectively a double width.
5. Unusually, the Property offers the dormitory accommodation at ground floor level with living areas at first floor level.

The accommodation offered is as follows:

GF: Three bedrooms and bathroom with full suite including bath.

FF: Lounge and kitchen.

Outside: Loose surfaced car standing to the front elevation, gardens front and rear.

The Property benefits from gas fired heating and secondary double glazing.

The Landlord provided the carpets and some white goods. The Tenant provided the curtains.

The Hearing

6. An oral hearing was held by video platform on 22 November 2023. The Tenant took part in the hearing, but the Landlord did not participate.

The Submissions of the Parties

7. The submissions of the parties both in writing and during the hearing can be summarised as follows.

The Tenant

8. The principal issue raised by the Tenant related to the front and rear doors which had both been problematic with the former still not functioning correctly.

The Landlord

9. The Landlord's provided details of the letting of the adjoining property – 20 Weaver Close – which had recently been let for £750.00 per calendar month. The Landlord noted that the property was of similar size to the subject but was mid terraced and did not enjoy the double width plot.

THE LAW

10. 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.
11. 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

12. The Tribunal 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.
13. Initially, the Tribunal's determination considers what rent the Landlord could reasonably be expected to obtain for the Property if it were let today in a condition usual for such lettings. It did this by using its own general knowledge of the market rent levels in the area and considered the comparable evidence provided by the Landlord. The information available to the Tribunal in respect of the comparable property was that it had been fully redecorated and offered with new flooring. In the opinion of the Tribunal these factors would offset the benefit of the double plot relating to the subject Property. Taking these factors into account, the Tribunal concluded that the likely market rental would be approximately £750.00 per calendar month.
14. The rent determined by the Tribunal for the purposes of Section 14 is, therefore, £750.00 with effect from 7 April 2023.

Appeal

15. If either party is dissatisfied with this decision, they may apply for permission to appeal to the Upper Tribunal (Lands Chamber) **on any point of law arising from this Decision**. 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 statement of reasons (regulation 52 (2) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013) stating the grounds upon which it is intended to rely in the appeal.

V WARD BSc (Hons) FRICS