



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

Case Reference : **CAM/33UG/MNR/2022/0087
P:PAPERREMOTE**

Property : **63 St Leonards Road Norwich NR1
4JW**

Applicant : **Mr Michael Jones**

Respondent : **Mr S Morris**

Representative : **Pymm and Co.**

Date of Application : **3 May 2022**

Type of Application : **Determination of the market rent
under Section 14 Housing Act 1988**

Tribunal : **Mrs E Flint FRICS**

**Date and venue of
Determination** : **14 November 2022
remote hearing on the papers.**

DECISION

The market rent as at 4 May 2022 is £650 per month.

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This has been a remote hearing which has been consented to by the parties. The form of remote hearing was P:PAPERREMOTE. A face-to-face hearing was not held because it was not practicable and all issues could be determined on the papers following an inspection. The documents that the Tribunal were referred to are in a bundle, the contents of which have been noted. The order made is described below.

Background

1. On 3 May 2022, the tenant referred to the Tribunal a notice of increase of rent served by the landlord under section 13 of the Housing Act 1988.
2. The landlord's notice, which was dated 28 March 2022 proposed a rent of £725 per month with effect from 4 May 2022 in place of the existing rent of £595 per month.
3. The tenant occupies under an assured periodic tenancy which commenced on the expiry of an Assured Shorthold Tenancy for 12 months from 4 May 2019.
4. Directions were issued by the tribunal on 28 September 2022.
5. Prior to the hearing the landlord's agent sent to the tribunal written representations, no written representations were received by or on behalf of the tenant.

The Evidence

6. The property is a split-level apartment with its own entrance. The accommodation comprises a living room, bedroom, study/second small bedroom, kitchen and bathroom/wc. It is double glazed and centrally heated, the carpets, curtains and white goods were supplied by the landlord.
7. The agent produced a list of two bedroom flats within a quarter of a mile of the subject premises at rents of £750 to £900 per month; the majority being between £725 and £750 per month. The list also included several one bedroom flats, one at £700 per month had a garden and separate dining room, the remaining two, at asking rents £780 or £795 per month, appeared to be in a purpose built block in grounds.

The law

8. 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.

9. 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.

Valuation

10. In coming to its decision, the Tribunal had regard to the evidence supplied by the landlord. The tenancy agreement limits the occupation to the tenant only. The second bedroom is effectively a second living room or study. Taking into account its location and the terms of the tenancy the tribunal values the flat at £650 per month.

The decision

11. The Tribunal determines the open market rental value of the subject property is £650 per month effective from 4 May 2022 in accordance with the effective date on the landlord's notice.

Chairman: Evelyn Flint

Dated: 14 November 2022

ANNEX - RIGHTS OF APPEAL

- i. 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.
- ii. 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.
- iii. 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.
- iv. 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.

Appendix Housing Act 1988

14 Determination of rent by rent assessment committee.

(1) Where, under subsection (4) (a) of section 13, 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; and
- (d) in respect of which the same notices, if any, have been given under any of Grounds 1 to 5 of Schedule 2 to this Act, as have been given (or have effect as if given) in relation to 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 his immediate landlord, or
 - (ii) was carried out pursuant to an obligation to his immediate landlord being an obligation which did not relate to the specific improvement concerned but arose by reference to consent given to the carrying out of that improvement;and
- (c) any reduction in the value of the dwelling-house attributable to a failure by the tenant to comply with any terms of the tenancy.

(3) For the purposes of subsection (2)(b) above, in relation to a notice which is referred to by a tenant as mentioned in subsection (1) above, an improvement is a relevant improvement if either it was carried out during the tenancy to which the notice relates or the following conditions are satisfied, namely—

- (a) that it was carried out not more than twenty-one years before the date of service of the notice; and
- (b) that, at all times during the period beginning when the improvement was carried out and ending on the date of service of the notice, the dwelling-house has been let under an assured tenancy; and

(c) that, on the coming to an end of an assured tenancy at any time during that period, the tenant (or, in the case of joint tenants, at least one of them) did not quit.

(4) In this section “rent” does not include any service charge, within the meaning of section 18 of the Landlord and Tenant Act 1985, but, subject to that, includes any sums payable by the tenant to the landlord on account of the use of furniture or for any of the matters referred to in subsection (1) (a) of that section, whether or not those sums are separate from the sums payable for the occupation of the dwelling-house concerned or are payable under separate agreements....

(7) Where a notice under section 13(2) above has been referred to the appropriate tribunal, then, unless the landlord and the tenant otherwise agree, the rent determined by the appropriate tribunal ... shall be the rent under the tenancy with effect from the beginning of the new period specified in the notice or, if it appears to the appropriate tribunal that that would cause undue hardship to the tenant, with effect from such later date (not being later than the date the rent is determined) as the appropriate tribunal may direct.

Notice of the Tribunal Decision and Register of Rents under Assured Periodic Tenancies (Section 14 Determination)

Housing Act 1988 Section 14

Address of Premises

63 St Leonards Road Norwich NR1 4JW

The Tribunal members were

Mrs E Flint FRICS

Landlord

Mr S Morris

Address

c/o Pymm and Co 2-4 Ber Street Norwich NR1 3EJ

Tenant

Mr Michael Jones

1. The rent is:£

650

Per

month

(excluding water rates and council tax but including any amounts in paras 3)

2. The date the decision takes effect is:

4 May 2022

***3. The amount included for services is**

n/a

Per

4. Date assured tenancy commenced

4 May 2019

5. Length of the term or rental period

monthly

6. Allocation of liability for repairs

S11 applies

7. Furniture provided by landlord or superior landlord

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8. Description of premises

First floor flat in converted semi-detached house comprising three rooms, kitchen and bathroom/wc.

Chairman

Mrs E Flint

Date of Decision

14 November 2022

