



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

Case reference : **BIR/00FK/MNR/2023/0123**

Property : **87 Macklin Street
Derby
DE1 1LG**

Applicant : **Ms K Hall**

Representative : **None**

Respondent's : **Mrs J M Adams**

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 25th October 2023**

DETAILED REASONS

BACKGROUND

1. On 1st June 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 £650.00 per month with effect from 11th June 2023, is dated 19th April 2023.
3. The date the tenancy commenced is stated on the Application Form as being on 21st January 2011 and is stated by the Applicants as being an Assured Tenancy. The current rent is stated in the Respondents notice as being £440.00 per month which, it appears has not increased since the commencement of the tenancy in 2011.
4. The Tribunal issued its Decision following the inspection and paper determination on 25th October 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 which comprises a terraced house. It is of traditional brick construction surmounted by a pitched roof.
6. Briefly the accommodation comprises of entrance hall, lounge, rear dining room and kitchen fitted with base and wall cupboards incorporating an inset stainless steel sink unit. There is a cellar.
7. On the first floor the landing leads to two bedrooms and bathroom fitted with a three-piece sanitary suite having an electric shower over the bath.
8. There is a small rear garden area and brick store shed in poor condition.
9. The house has gas fired central heating provided by the combination boiler located in the bathroom. There UPVC double glazing although the external doors are not replacement double glazed fittings.
10. The property was noted to be in a condition throughout which was generally commensurate with its age and type subject to the comments below.

EVIDENCE

11. The Tribunal received written representations from the Respondent which was copied to the Applicant.
12. Neither party requested a hearing.

THE APPLICANT'S SUBMISSIONS

13. In summary Respondent submitted:
 - 1) That the property was in good condition throughout and no maintenance issues had been reported by the Applicant.
 - 2) That the rent had not been increased since the commencement of the tenancy.
 - 3) Carpets and white goods were provided by the Respondent.

THE INSPECTION

14. During the Tribunal's inspection it was noted that there a slight leak to the skylight on the landing causing limited damp.

THE LAW

15. 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.
16. 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

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 £660.00 per month.
18. 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) Leak and damp penetration from the skylight. £10.00

19. The Tribunal therefore concluded that an appropriate market rent for the property would be £650.00 per month (£660.00 - £10.00 = £650.00).
20. The Tribunal therefore determined that the rent at which the property might reasonably be expected to be let on the open market would be £650.00 per month.

APPEAL

21. Any appeal against this Decision can only be made only **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)