



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

Case Reference : BIR/00CU/MNR/2023/0143

Property : 3 Fusion Way, Darlaston, Wednesbury, WS10 8WB

Applicant : Emmanuel Nare & Ruvimbo Nare

Respondent : Simple Life Homes

Type of Application : Appeal against a Notice proposing a new rent under an Assured Periodic Tenancy under section 13(4) of the Housing Act 1988

Tribunal Members : I.D. Humphries B.Sc.(Est.Man.) FRICS
M. Alexander B.Sc. MRICS
J. Arain

Date and Venue of Hearing : N/A. Decision on papers.

Date of Decision : 14 March 2024

REASONS

- 1 The rent is determined at £935 (Nine Hundred and Thirty Five Pounds) per calendar month from 24 June 2023.

REASONS

Introduction

- 2 The Applicants hold an Assured monthly tenancy that commenced in July 2020.
- 3 On 12 May 2023 the Respondent served notice of increase under section 13(2) of The Housing Act 1988 ('the Act') proposing a new rent of £960 per calendar month in place of the previous rent of £785 per month to take effect on 24 June 2023. The rent did not include any Council Tax, water charges or service charges.
- 4 On 21 June 2023 the Applicants applied for the rent to be determined by the First-tier Tribunal (Property Chamber). Neither party requested a Hearing.
- 5 On 4 September 2023 the Tribunal issued Directions and issued revised Directions on 27 November 2023.
- 6 On 14 March 2024 the Tribunal determined the rent at £935 per calendar month with effect from 24 June 2023.
- 7 On 22 March 2024 the Applicants requested reasons for the Tribunal's decision.

The Law

- 8 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 ...*

- 9 The jurisdiction of the Rent Assessment Committee was transferred to the First-tier Tribunal (Property Chamber) on 1 July 2013.

Facts Found

- 10 The Tribunal did not inspect the property. It therefore relied on the evidence submitted by the parties and its own general knowledge of rents in the area in reaching its Decision.
- 11 In the papers, the property is described as a new-build, three bedroom terraced house in a modern housing estate in Darlaston, West Midlands. It has central heating, double glazing, carpets, curtains and white goods provided by the landlord. It has off road parking and private gardens.

Submissions

- 12 The Applicants' Submission
The Applicants detailed a history of problems with a shower and other defects including damage to laminate flooring, kitchen cupboards and plaster cracks that were the landlord's responsibility. They submitted a budget showing their monthly income of £4,294 which is equivalent to £51,528 p.a., and monthly expenses of £4,084 (£49,008 p.a.) which they said left them £210 per month. They proposed a new rent of £885 per month.
- 13 The Respondent's Submission
The Respondents sent details of several houses to let in the area at rents similar to and in excess of the rent requested at the subject property, including:
 - 1) a new -build, three bedroom end-terraced house in Poplar Road, Bilston, advertised at £1,195 pcm;
 - 2) a three bedroom semi-detached house in Lunt Road, Bilston, advertised at £1,150 pcm;
 - 3) a three bedroom semi-detached house at The Green, Wednesbury, previously advertised at £1,100 pcm;
 - 4) a three bedroom semi-detached house at St.George's St., Wednesbury, previously advertised at £1,100 pcm;
 - 5) a three bedroom semi-detached house at Ward's Keep, Wednesbury, previously advertised at £1,095 pcm

together with a schedule of 13 other houses in the local area, all let at figures in excess of the £960 pcm requested.

Decision

- 14 Having considered the submitted evidence and rents of comparable houses in the area, the Tribunal found the market rental value in good condition would have been £960 per calendar month. However, the Tribunal reduced the rent by £25 per month to reflect the maintenance items referred to by the Applicants.
- 15 The Tribunal considered the Applicants' budget with a declared income of £51,528 per annum but found there were insufficient grounds to justify altering the effective date of increase from the date in the Respondent's Notice of 24 June 2023 due to hardship.
- 16 Accordingly, the Tribunal determined the rent at £935.00 per calendar month under Section 14 of The Housing Act 1988 with effect from the date in the Respondent's Notice, 24 June 2023.

I.D. Humphries B.Sc.(Est.Man.) FRICS
Chairman

Appeal

If either party is dissatisfied with this decision an application may be made to this Tribunal for permission to appeal to the Upper Tribunal, Property Chamber (Residential Property) on a point of law only. Any such application must be received within 28 days after the decision and accompanying reasons have been sent to the parties (Rule 52 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013).