



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

Case Reference : **BIR/41/UK/MNR/2023/0121**

Property : **30 Medway Tamworth B77 2JN**

Landlord : **One Housing & Support CIC**

Tenant : **Anthony S Turner**

Type of Application : **An Application for a Determination under
Section 14 of the Housing Act 1988**

Tribunal Members : **Nicholas Wint FRICS
Derek Douglas**

Date of Decision : **7 April 2024**

STATEMENT OF REASONS

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BACKGROUND

1. The Landlord served a notice on the Tenant dated 24 April 2023 under section 13 of the Housing Act 1988 seeking to increase the rent of the Property from £130 to £143 per week with effect from 26 June 2023.
2. The Tenant made an application dated 1 June 2023 referring the notice of the proposed increase to the First-tier Tribunal Property Chamber (Residential Property).
3. The Tribunal issued its Directions dated 24 July 2023 and listed the case for a paper determination (without a hearing) on 23 October 2023 following its inspection on the same day.
4. The Tenant did not complete or return a Reply Form to the Tribunal. The Landlord did however complete a Reply Form and enclosed in their submissions evidence in support of their proposal for consideration by the Tribunal.
5. No further written submissions were received from either party.
6. After the inspection and after consideration of the available evidence and the applicable law, the Tribunal determined a rent of £132.50 per week with effect from 26 June 2023 and issued its decision on this basis.
7. Upon receipt of an email dated 13 November 2023 received by the Tribunal the Landlord requested the Tribunal provide reasons. These written reasons should therefore be read in conjunction with the Decision of the Tribunal dated 23 October 2023.

THE PROPERTY

8. The Property is located in the Wilnecote area of Tamworth surrounded by properties of a similar type and age.
9. The Property is a 6-bedroom semi-detached HMO house with a shared entrance, kitchen, and bathroom with a rear garden area, garage but no off-street parking.
10. The subject room is located on the first floor and comprises a double bedroom with wall mounted radiator and a double-glazed window.
11. The first-floor shared bathroom is tiled and includes a WC, WHB, towel rail and shower cubicle. The shared kitchen has fitted units and includes all the white goods. On the ground floor there is another shared bathroom which includes and WC, separate WC and shower cubicle.

12. All the windows are double glazed and there is gas fired central heating throughout. The Landlord advises that they have provided all the carpets and curtains as well as the white goods (cooker, washing machine and fridge).
13. The rent includes and amount for internet, rubbish collection, electricity, gas, , insurance, council tax, general cleaning/ repairs, water and a management fee.
14. Neither party advises any improvements have been carried out to the Property since it was first let.

EVIDENCE

15. In the Landlord's Reply Form, it describes the Property as above having six bedrooms and two shared bathroom/ shower rooms and that the Landlord has supplied all the floor coverings and white goods. The Landlord also included details of various comparable properties from the locality ranging in rent from £425 to £620 per month.
16. The Tenant did not complete or submit a Reply Form or make any submissions for the Tribunal's consideration.

THE LAW

17. 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 ...
- 18. The jurisdiction of the Rent Assessment Committee was transferred to the First-tier Tribunal (Property Chamber) from 1st July 2013.
- 19. 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.
- 20. 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

- 21. In reaching its determination, the Tribunal has 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.
- 22. In the first instance, the Tribunal determined what rent the landlord could reasonably be expected to obtain for the Property if it were let today in the condition that is considered usual for such an open market letting.
- 23. The Tribunal used its own general knowledge of market rental levels in local area and from its own research into rental values for similar types of property from the surrounding areas. The Tribunal found similar type properties to let at between £425 to £736 per month in similar locations, that offered similar sized accommodation. The Tribunal also had regard to the Landlord's statement and evidence in arriving at its valuation of the Property.
- 24. There were no Tenants' improvements and so no deductions were made in this respect. From its inspection the Tribunal found the Property to be in reasonable condition and decorative order similar to the standard of the comparables on the market. However, the Tribunal was of the view that although the Property has two shared bathrooms the Tenant's room lacked an ensuite which several of the bedsits have and therefore made adjustments for this.
- 25. Taking all these factors into consideration, the Tribunal determined the open market rent at £137.50 per week and deducted £5.00 per week for the lack of an ensuite and concluded that the likely market rental would be £132.50 per week after making these adjustments.

26. The rent determined by the Tribunal for the purposes of Section 14 was, therefore, £132.50 per week.

RIGHT OF APPEAL

27. If either party is dissatisfied with this decision, they may apply for permission to appeal to the Upper Tribunal (Lands Chamber) **on a point of law only**. 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 decision (regulation 52 (2) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rule 2013) stating the grounds upon which it is intended to rely in the appeal.

Nicholas Wint BSc (Hons) FRICS