



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

Case reference : **CHI/00HE/MNR/2024/0084**

Property : **19 Scorrier Street, St Day, Redruth,
Cornwall, TR16 5LH**

Applicant/tenant : **Ms Dena Brooks**

Representative : **None**

Respondent : **Ms Linda Vanstone**

Representative : **None**

Type of application : **Sections 13 and 14, Housing Act 1988**

Tribunal members : **Mr C Norman FRICS
(Valuer Chairman)
Mr S Hodges FRICS
Mr J Reichel BSc MRCIS**

Date of Decision : **5 June 2024**

Date of Reasons : **14 June 2024**

REASONS

Background

1. On 26 March 2024 (received on 27 March), the tenant of the above property referred to the Tribunal a notice of increase of rent served by the landlord under section 13 of the Housing Act 1988 (“the Act”).
2. The landlord’s notice, which proposed a rent of £570 per month is dated 17 February 2024. The notice proposed a starting date for the new rent of 29 March 2024. The rent passing was stated as being £435 per month.
3. The tenancy is an assured periodic tenancy. From the tenancy agreement copy of which was provided with the application, the assured tenancy commenced on 29 May 2006.
4. On 26 April 2024, the Tribunal issued directions to the parties. The application was set down for a determination on the papers without a hearing or inspection, unless either party requested these, which neither did. The landlord was directed to complete a Rent Appeal Statement by 10 May 2024. The tenant was directed to do likewise by 24 May 2024. Neither party made Rent Appeal Statements and have not therefore engaged with the Tribunal.
5. On 5 June 2024, the Tribunal determined the rent at £562.50 per month with effect from the same date.

Tenancy agreement

6. The Tribunal was supplied with a copy of a tenancy agreement. This included some small photographs of the property.

The Property

7. The Tribunal has relied on Google Maps the photographs appended to the tenancy agreement and inter partes¹ correspondence which preceded the Tribunal reference. From these sources, the Tribunal found that the property is a converted historic one-bedroom ground floor flat, formed within a terraced rendered house, under pitched tiled roofs. The building likely dates from the 19th century but may be older. The accommodation comprises a kitchen/diner, bathroom, lounge and entrance hall. There is a shared back garden. The property has three night storage heaters and from the photographs appears to be double glazed. The kitchen is basic and without white goods. Curtains and carpets were provided by the landlord. Scorrier Street is within the centre of St Day, a village about 2 miles from Redruth which is a much larger centre.

The law

8. The law as to the Tribunal’s approach is given at section 14 of the Act which insofar as relevant is as follows:

¹ “between the parties”

(1) Where, under subsection (4)(a) of section 13 above, a tenant refers to a Tribunal a notice under subsection (2) of that section, the Tribunal shall determine the rent at which, subject to subsections (2) and (4) below, the Tribunal 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;
[...].

The Landlord's Case

9. Although the landlord did not provide a rent appeal statement, her case was stated in inter partes² correspondence. In a letter dated 17 February 2024 to the tenant, the landlord stated that the current rent was historic, having been agreed in 2008 and ought to be £674 to reflect inflation. Based on a Zoopla search, within a 10-mile radius of St Day, the average 1 bed flat asking rent was £705 per month. The landlord however had decided to raise the rent to a lower level of £570 per month, as she recognised that the increase might be more than the tenant could manage. The landlord would seek a further increase in a years' time.

The Tenant's Case

10. The tenants' case, gleaned from a letter to the landlord dated 29 March 2024, was that she considered £570 per month to be reasonable. However, owing to her limited means, the tenant requested deferment of the start date of the increase.

Findings

11. The Tribunal is required to make its own findings of rental value. The subject property is a basic one-bedroom ground floor flat in an historic building in a small village. The property was let without white goods and does not have central heating, although it does have night storage heaters. Neither party has referred to specific comparables and the Tribunal has therefore had to rely on its own knowledge and experience in arriving at its decision. The Tribunal is unaware of other recent lettings in St Day and has therefore also reflected on its knowledge of Redruth, where there is an active lettings market. Having done so, it considers that the starting point in Redruth would be £625 per month. However, it finds that this requires a 5% downward adjustment for

location and a 5% reduction for the absence of white goods. The total deduction is therefore £62.50 per month, leaving an adjusted market rent of £562.50 per month, which it determines as the market rent under the Act.

12. The Tribunal is satisfied that the tenant would suffer undue hardship if the increase was backdated to 29 March 2024. It therefore determines that the start date for the new rent will be 5 June 2024, being the date of the Tribunal's determination.

Mr Charles Norman FRICS

14 June 2024

ANNEX - RIGHTS OF APPEAL

- The Tribunal is required to set out rights of appeal against its decisions by virtue of the rule 36 (2)(c) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 and these are set out below.
- If a party wishes to appeal against 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.
- 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.
- 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.
- 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.