

**FIRST-TIER TRIBUNAL
PROPERTY CHAMBER**



Case Ref: CAM/12UC/MNR/2024/0049

Type of Determination: Hearing no inspection

Property: 46 Welland Place, Ely, Cambridgeshire, CB62WE

Landlord: Samphire Homes

Tenant: Monica and Scott Baer

Type of application: Determination of rent under s.14 Housing Act 1988

Tribunal members: Judge Shepherd
Sarah Redmond MRICS

Date of determination: 7th May 2024

Background

1. The Applicants referred a rent increase to the Tribunal pursuant to ss13 and 14 Housing Act 1988 on 26th March 2024. The proposed rent was for the premises at 46 Welland Place, Ely, Cambridgeshire CB62WE (“The premises”) and was £135.77 per week. The landlord of the premises is Samphire Homes a social landlord. The Applicants are the assured tenants of the premises. Their tenancy began in 2013.
2. In their application the Applicants raised concerns about the steadily increasing rent since 2021. They were also concerned that the present year is being treated by the Respondent as a 53 rent week year as a result of the leap year. Once explained to the Tribunal we accept that this was lawful.
3. It became clear during the hearing that there were a number of issues raised by the Applicants many of which did not directly impinge on the decision we were making. Nonetheless the hearing was productive because it opened a dialogue between the parties which appeared positive for the future.
4. The Respondent was limited by government policy in relation to rent increases. The premises were classed as social housing rather than “affordable” housing. The Respondent set the rents for social housing at 60% of market rents. The effect of the Respondent’s rent setting strategy is that providing the rent set by the Tribunal is above that proposed the Respondent will only charge the rent proposed.

The premises

5. This is a two - storey terrace house in a residential road, built in 2001 with off road parking and small gardens front and rear. There is central heating and double glazing. Accommodation comprises on the ground floor - small kitchen, living room with door to rear garden, WC, and on first floor 2 x double bedrooms and family bathroom. The kitchen had been refurbished by the landlord in 2022 and the rear door had been replaced. There were no outstanding issues of repair.
6. The landlord is responsible for repairs to the structure and exterior of the premises pursuant to s.11 Landlord and Tenant Act 1985.

The law

7. Section 13 of the Housing Act 1988 sets out how rent should be increased by a landlord of an assured periodic tenant. For the purpose of securing an increase in the rent under a tenancy to which this section applies, the landlord may serve on the tenant a notice in the prescribed form proposing a new rent

to take effect at the beginning of a new period of the tenancy specified in the notice.

8. Section 14 deals with determination of rent by the Tribunal when there has been a reference. The Tribunal determine the rent at which, subject to qualifications they 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. 4. The qualifications are that the Tribunal will disregard (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 dwellinghouse attributable to a failure by the tenant to comply with any terms of the tenancy.

Determination

9. From our inquiries market rents for property of this type rent for anything between £202 and £254 a week. On the basis of our knowledge and experience of properties providing similar accommodation and in similar condition to let on the open market there having been no comparable evidence produced by the parties we consider that £210 per week is the appropriate rent.

Chairman: Judge Shepherd

Dated: 7th May 2024

ANNEX - RIGHTS OF APPEAL Appealing against the tribunal's decisions

1. A written application for permission must be made to the First-tier Tribunal at the Regional tribunal office which has been dealing with the case.
2. The application for permission to appeal must arrive at the Regional tribunal office within 28 days after the date this decision is sent to the parties.
3. 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.
4. The application for permission to appeal must state the grounds of appeal, and state the result the party making the application is seeking. All applications for permission to appeal will be considered on the papers
5. Any application to stay the effect of the decision must be made at the same time as the application for permission to appeal.