



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

Case Reference	:	CAM/00KM/MNR/2024/0065
Property	:	11 Grainger Court Olympic Way High Wycombe Bucks HP13 7PR
Applicants	:	Kemmuel Brown (Tenant)
Representative	:	None
Respondent	:	Home Group Ltd. (Landlord)
Representative	:	None
Type of Application	:	Section 13(4) Housing Act 1988
Tribunal Members	:	Mr N Martindale FRICS
Date and venue of Hearing	:	29 May 2024 Cambridge County Court, 197 East Road, Cambridge CB1 1BA
Date of Decision	:	29 May 2024

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application dated 19 March 2024 from the tenant of the Property, regarding a notice of increase of rent, served by the landlord, under S.13 of the Housing Act 1988 (the Act).
- 2 The notice, dated 13 February 2024, proposed a new rent of £168.01 per week with effect from and including 1 April 2024. The passing rent was stated in the notice, as £156 per week from an earlier unspecified date.

- 3 The tenancy is an assured shorthold periodic weekly tenancy. A copy of the tenancy and of the landlord's Notice was provided.

Inspection

- 4 The Tribunal did not inspect the Property internally but viewed the exterior from a Google Street View image of the Property as seen from the public road (taken @ September 2022). The Property is a one bedroom purpose built flat in a modern, perhaps 2000's, large 3 level block of similar flats. The block is located to adjacent low and mid level blocks of similar purpose built flats, with residents parking to the road side in front of each block. The Property and the block in which it is located forms part of a larger established modern high density residential estate from the same period.
- 5 The external face of the walls appear to be mainly of brick finish. The roof to the block appears to low monopitch or flat. The windows are double glazed and there is full central heating. There are communal areas to and around the block. It is unclear if there is a lift to all or any levels.
- 6 The Property accommodation is on one level: bedroom, bathroom wc, living room, kitchen, open private balcony. There are no stated tenants improvements or additions.
- 7 The Property was said not to be let with any furniture, carpets, curtains, and white goods from the landlord. The tenant provides these.

Representations

- 8 Directions, dated 22 March 2024, for the progression of the case, were issued by Legal Officer Laura Lawless. The tenant requested a hearing. The tenant filed a standard Reply Form, together with details supplied in their initial application form and asked for a hearing. At the hearing the tenant's principal concern was why neighbours of some other flats in larger properties from the same landlord, were charged the same or even a lower rent than he was required to.
- 9 The landlord also completed the standard Reply Form but, did not attend the hearing. They made reference in their written representations to the difference between the social and affordable tenancies that they operated as a landlord and market rents in the locality. This was said to be the likely explanation for the differences that the tenant had raised. This tenant lived in a Property where an affordable rent rather than a social rent was charged.
- 10 The Tribunal is grateful for and has carefully considered such written representations as it received, from parties.

Law

- 11 In accordance with the terms of S.14 of the Act the Tribunal is required to determine the rent at which it considers the property might reasonably be expected to let in the open market, by a willing landlord, under an assured tenancy, on the same terms as the actual tenancy; ignoring any increase in value attributable to tenant's improvements and any decrease in value due to the tenant's failure to comply with any terms of the tenancy. Thus the Property falls to be valued as it stands; but assuming that it is in a reasonable internal decorative condition.

Decision

- 12 Based on the Tribunal's own general knowledge of market rent levels in High Wycombe, it determines that the subject property would let on normal Assured Shorthold Tenancy (AST) terms, for £200 per week, fully fitted and in good order at the valuation date April 2024.
- 13 However the property lacked landlords provision of carpets curtains and white goods. The Tribunal therefore makes a modest deduction of £10 pw to reflect this, leaving the new market rent at £190 per week.
- 14 The new rent of £190 per week is payable from and including the date set out in the Landlord's Notice, 1 April 2024. The landlord may charge any rent up to and including £190 per week, but is not obliged to. It may not charge a rent in excess of this figure.

Chairman N Martindale FRICS

Dated 29 May 2024

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If either party is dissatisfied with this decision, they may apply for permission to appeal to the Upper Tribunal (Lands Chamber) on any point of law arising from this Decision.

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 to the person making the application (regulation 52 (2) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rule 2013).

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.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).