



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

Case Reference	:	CAM/38UD/MNR/2024/0073
Property	:	24 Long Dean, Henley on Thames, Oxfordshire RG9 4EU
Applicant	:	Geoff Walsh (Tenant)
Representative	:	None
Respondent	:	Red Kite Community Housing Ltd. (Landlord)
Representative	:	None
Type of Application	:	S.13 Housing Act 1988 Determination of a new rent
Tribunal Members	:	Mr N. Martindale FRICS
Date and venue of Meeting	:	19 August 2024 First Tier Tribunal (Eastern) County Court Cambridge CB1 1BA
Date of Decision	:	19 August 2024

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application dated 27 March 2024 from a 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 23 January 2024, proposed a new rent of £233.98 per week exclusive, with effect from and including 1 April 2024. This rent does not include other services.

- 3 The tenancy is an assured periodic weekly tenancy with effect from and including 3 January 2023. A copy was provided.
- 4 The rent payable from up to and including 31 March 2024 was £218.63 per week. No furniture or services were included.

Directions

- 5 Directions, dated 24 June 2024, for the progression of the case, were issued by Legal Officer Laura Lawless. Neither party asked for a hearing.

Inspection

- 6 There was no inspection. The house is too new to feature on Google Streetview but, the hearing bundle included some photographs of the front elevation Property from the public road.
- 7 It appeared that the house is a small very new 2023 semi-detached house on 2 levels in a new residential housing estate of similar modern homes. The Property has 2 first floor bedrooms, bathroom/wc, with a living/ dining room and kitchen and additional WC to the ground floor.
- 8 This two storey traditional house has fair face main brick walls to the front elevation. There is a double pitched tiled roof with small front roof gable. There was a small rear garden and single parking bay off road to the front within the Property boundary.
- 9 Front elevation windows and door were double glazed set in apparently plastic frames. It was confirmed that space and water heating was by a central heating boiler. Both were installed from new and provided by the landlord. The tenant had installed a wet room for his own needs in place of the bathroom. Any additional value attributable to this installation was ignored by the Tribunal. Similarly the Property was let without landlords white goods, carpets and curtains/ blinds, which the tenant provided instead at his own expense.

Tenant's and Landlord's Representations

- 10 The tenants provided written submissions via the standard Application Form and a short statement. The tenant referred to his personal circumstances which included his own disability and hence the need to pay for a wet room installation to first floor. The tenant referred to similar lettings by other social landlords in the county and these were arguably cheaper.
- 11 The landlord made more detailed representations through the standard Reply Form and separately. The landlord referred to the difference between the basis of rents charged by many housing associations and the landlord with particular reference to properties let or to let on the open market.

- 12 The landlord included a copy of an independent valuation of the Property by Thompson Wilson Chartered Surveyors of Princes Risborough, Oxfordshire. This was apparently based on details taken off plans, prior to the new scheme being implanted. This report gave the open market valuation as £340.38 per week at 8 July 2024. This is some 3 months after the valuation date the start of April 2024. It was unclear if the valuation reflected the actual letting, being as it was without carpets, curtains and white goods provided by the landlord.
- 13 The Tribunal is grateful for such information as was provided by both parties.

Law

- 14 In accordance with the terms of S.14 of the Act we are required to determine the rent at which we consider 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 the Property to be in a reasonable internal decorative condition.

Decision

- 15 From the Tribunal's own general knowledge of market rent levels in Henley it determines that the subject property would let on normal Assured Shorthold Tenancy (AST) terms, for £320 per week, fully fitted and in good order.
- 16 From the representations the Property lacked carpets and curtains and white goods from the landlord for which the Tribunal makes a small adjustment of £20 per week. This leaves an adjusted rent of £300 per week.
- 17 The new rent of £300 per week is payable with effect from and including 1 April 2024. Although the landlord is not obliged to charge this new rent and may charge a significantly lower rent as a result of their own choice, policy, or governmental regulation; they may not charge more.

Chairman N Martindale FRICS

Date 19 August 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).

Notice of the Tribunal Decision and Register of Rents under Assured Periodic Tenancies (Section 14 Determination)

Housing Act 1988 Section 14

Address of Premises

24 Long Dean
Henley on Thames
Oxfordshire
RG9 4EU

The Tribunal members were

Mr Neil Martindale FRICS

Landlord

Red Kite Community Housing Ltd

Address

Tenant

Geoff Walsh

1. The rent is:£

300

Per

week

(excluding water rates and council tax but including any amounts in paras 3)

2. The date the decision takes effect is:

1 April 2024

*3. The amount included for services is/is negligible/not applicable

nil

Per

*4. Service charges are variable and are not included

5. Date assured tenancy commenced

3 January 2023

6. Length of the term or rental period

periodic weekly

7. Allocation of liability for repairs

Per tenancy

8. Furniture provided by landlord or superior landlord

.None

9. Description of premises

2023 semi-detached new house in good condition. Brick walls, double pitched main tiled roof with front dormer, small rear garden, front parking bay, narrow road. Landlord's full GFCH and DG windows. Accommodation: 2 bedrooms, (ff) Bath/WC, Kitchen, Living rooms, (gf) WC. Carpets curtains and white goods provided by tenant.

Chairman

**Neil Martindale
FRICS**

Date of Decision

19 August 2024