

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

Housing Act 1988 Section 14

Address of Premises

22 Kindersley Street
North Ormesby
Middlesbrough
TS3 6PW

The Tribunal members were

J A Platt
J Fraser

Landlord

Mr S Edward

Address

8B The Grove, London N4 4HJ

Tenant

Dr G Adejo

1. The rent is: £500.00 **Per** Calendar Month **(excluding water rates and council tax but including any amounts in paras 3)**

2. The date the decision takes effect is: 30 August 2024

3. The amount included for services is: Not Applicable

4. Date assured tenancy commenced 30 May 2021

5. Length of the term or rental period Monthly

6. Allocation of liability for repairs As per S11 Landlord & Tenant Act 1985

7. Furniture provided by landlord or superior landlord

Not Applicable

8. Description of premises

2 Bedroom terraced house

Chairman

J A Platt

Date of Decision

4 September 2024



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

Case Reference : **MAN/ooEC/MNR/2024/0183**

Property : **22 Kindersley Street
North Ormesby
Middlesbrough
TS3 6PW**

Applicants : **Dr G Adejo**

Respondent : **Mr S Edward**

Type of Application : **Appeal under Housing Act 1988 (the “Act”)
Section 13(4)**

Tribunal Members : **Mr J Platt FRICS
Mr J Fraser FRICS**

Date of Decision : **4 September 2024**

DECISION

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Determination

1. The Market Rent for the Property is £500.00 per month with effect from 30 August 2024

Background

2. By Application dated 22 June 2024 the Applicant referred to the Tribunal a notice of increase of rent (the "Notice") served by the Respondent under section 13 of the Housing Act 1988 (the Act).
3. The Notice dated 16 May 2024 proposed an increased rent of £550.00 per month, with effect from 30 June 2024, instead of the existing rent of £380.00 per month.
4. The Tribunal considers the property to be a 2 bedroom terraced house with 2nd floor loft storage space.

The Law

5. The Act provides in section 13(2) as amended by the Regulatory Reform (Assured Periodic Tenancies) (Rent Increases) Order 2003 that the date in paragraph 4 of the Landlord's notice (the date the new rent becomes payable) must comply with three requirements.
 - a. The first requirement is that a minimum period of notice must be given before the proposed new rent can take effect. That period in this case is one month.
 - b. The second requirement is that the starting date (relevant for the facts of this case) must not be less than 52 weeks from the first rent period of the tenancy. (There are exceptions to this, but they do not apply in this case.)
 - c. The third requirement is that the proposed new rent must start at the beginning of a period of the tenancy (see paragraph number 17 of the Guidance Notes forming part of the prescribed form of the Landlord's Notice).
6. Section 14 of the Act requires the Tribunal to determine the rent at which it considers the subject property might reasonably be expected to be let on the open market by a willing Landlord under an Assured Tenancy on similar terms. In so doing the Tribunal is required by Section 14 (1) to ignore the effect on the rental value of the property of any relevant tenants' improvements as defined in Section 14 (2) of the Act.

Evidence

7. Neither party requested a hearing. The Applicant made written representations. No representations were received from the landlord.
8. The Applicant presented evidence on the condition of the property and works of repair he has undertaken. The Applicant also provided evidence of vermin infestation.
9. The landlord provided no evidence.

Inspection

10. The Tribunal inspected the property on 4 September 2024 in the presence of the Applicant. The Tribunal noted repair issues as detailed within the Applicant's evidence. There was evidence of dampness, especially to the walls and floor in the vicinity of the kitchen, possibly caused by a leak under the kitchen sink.
11. The Tribunal also noted evidence of vermin infestation.

The Tribunal's Decision

12. The Tribunal first had to determine that it had jurisdiction to hear the Application. The Tribunal had to determine that the landlord's notice under Section 13 (2) satisfied the requirements of that section and was validly served.
13. There was no issue as to whether it was more than 52 weeks since the last rent increase; that minimum notice of increase had been given; that the date for commencement of the new rent proposed by the landlord was the start of a new period of the tenancy; and in addition, that the tenant had received the Guidance Notes forming part of the Notice. The Tribunal determined that the landlord's Notice satisfied the requirements of Section 13 (2) and there was no argument as to the validity of its service.
14. Neither party had submitted any evidence of comparable properties let on the open market. The Tribunal had regard to the evidence submitted by the Applicant on the condition of the property and used its own knowledge and expertise of market rent levels within the Teesside area.
15. The Tribunal determines that the rent at which the Property might reasonably be expected to be let on the open market in its current condition (ignoring the effect on the rental value of the property of any relevant tenants' improvements) would be £500.00 per month.

16. The Applicant advised that he is currently unemployed and in arrears with his rent and that any backdated increase would cause undue hardship. In accordance with Section 14(7), the Tribunal considers that undue hardship would be caused to the Applicant by the new rent being payable from 30 June 2024, the date specified in the Respondent's Notice. In the circumstances the Tribunal determines that the payment of rent at the rate of £500.00 per month should take effect from 30 August 2024.

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