



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

Case reference : **BIR/OOFY/MNR/2024/0162**

Property : **27 Latham Street
Bulwell
Nottingham
NG6 8HS**

Applicant : **Zoe Sims**

Representative : **None**

Respondent's : **Places for People Homes Ltd**

Representative : **HCGB Services Limited**

Type of application : **Application under Section 13(4) of the
Housing Act 1988 referring a notice
proposing a new rent under an Assured
Periodic Tenancy to the Tribunal**

Tribunal members : **Mr G S Freckelton FRICS
Mrs K Bentley**

**Venue and Date of
Determination** : **The matter was dealt with by a Paper
Determination on 23rd September 2024**

DETAILED REASONS

BACKGROUND

1. On 18th June 2024, the Applicant (tenant of the above property) referred to the Tribunal, a notice of increase of rent served by the Respondent (landlord of the above property) under section 13 of the Housing Act 1988.
2. The Respondent's notice, which proposed a rent of £1,195.00 per calendar month with effect from 28th July 2023, is dated 22nd May 2024.
3. The date the tenancy commenced is stated on the Application Form as being on 28th June 2014 for an initial period of 12 months at a rental of £525.00 per month. At the expiration of the initial period the tenancy became an Assured Periodic Tenancy. The current rent is stated in the Application as being £625.00 per calendar month.
4. The Tribunal issued Directions on 27th June 2024 following which submissions were received from both parties.

THE PROPERTY

5. Neither party requested either an inspection or hearing and the Tribunal has therefore determined the matter based on the papers provided to it.
6. The property is understood to be a three-storey semi-detached house comprising one living room, kitchen, three bedrooms (one with an en-suite shower room), family bathroom, study and separate W.C.
7. The house is understood to have gas fired central heating and double glazing. Carpets and curtains are provided by the Landlord, as are the white goods.
8. There is understood to be a small garden.

EVIDENCE

9. The Tribunal received written representations from both parties which were copied to the other party.

THE APPLICANT'S SUBMISSIONS

10. In summary, the Applicant submitted:
 - 1) That she had lived at the property for ten years and the rent had been increased by the previous management company.
 - 2) That the rent increase proposed was substantial and would cause severe hardship.
 - 3) That she was suffering severe stress as a result of the proposed increase.
 - 4) That the rent was paid by Housing Benefit but the proposed increase would not be covered by any increase in Housing Benefit payment.
 - 5) That comparable evidence of other properties offered on the market by the Respondent did not support the proposed increase.
 - 6) That there was a fault with the electrical supply to the second and third floors which had not been dealt with by the Respondent since December 2023.

THE RESPONDENT'S SUBMISSIONS

11. No submission was received from the Respondent.

THE LAW

12. In accordance with the terms of section 14 Housing Act 1988 the Tribunal proceeded to determine the rent at which it considered that the subject property might reasonably be expected to be let on the open market by a willing landlord under an assured tenancy.
13. In so doing the Tribunal, as required by section 14(1), ignored the effect on the rental value of the property of any relevant tenant's improvements as defined in section 14(2) of that Act.

THE TRIBUNAL'S DECISION

14. In the first instance the Tribunal considered the various comparables provided by the Applicant. These comprised of two-bedroom houses with a quoted rental of £455.00 - £735.00 per month, and a three-bedroom house where the Applicant understood the rental was £705.00 per month. There was also a two-bedroom older style terraced house at an asking rental of £875.00 per month and an older style traditional semi-detached house at an asking rental of £975.00 per month.
15. The Tribunal noted that none of these was a direct comparable to the subject property which is a modern semi-detached house, having three bedrooms, a study room and en-suite shower to bedroom 1.
16. Having regard to the general level of rents in the area the Tribunal concluded that the rental value of the subject property is £1,150.00 per calendar month.
17. The Tribunal then considered the Applicant's submission that there were problems with the electrical supply to floors two and three, and determined that a deduction of £20.00 per month was appropriate for this defect.
18. The Tribunal therefore determined that the rent at which the property might reasonably be expected to be let on the open market would be £1,130.00 per calendar month.
19. The Tribunal then considered the question of hardship and whether it accepted the evidence provided by the Applicant that the proposed increase would cause financial hardship. Under section 14(7) of the 1988 Act the Tribunal has the discretion to fix a later date than that proposed by the landlord in its Notice of Increase. This can be no later than the date the Tribunal makes its determination.
20. In this case the Tribunal accepts that the increase in rent will cause hardship and therefore determines that the date the decision takes effect is 23rd September 2024 being the date of the Tribunal's determination rather than 28th July 2024 being the date on the Respondent's Notice of Increase.

APPEAL

21. Any appeal against this Decision can only be made **on a point of law** and must be made to the Upper Tribunal (Lands Chamber). Prior to making such an appeal the party appealing must apply, in writing, to this Tribunal for permission to appeal within 28 days of the date of issue of this Decision, (or, if applicable, within 28 days of any decision on a review or application to set aside) identifying the decision to which the appeal relates, stating the grounds on which that party intends to rely in the appeal, and stating the result sought by the party making the application.

G S Freckelton FRICS
Chairman
First-tier Tribunal Property Chamber (Residential Property)

1 November 2024