



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

Case reference	:	BIR/OOFN/MNR/2024/0130
Property	:	66 Glaisdale Close Leicester LE4 0RP
Applicant	:	Binti Mwinyi & Rashid Mdogo Changa Mansfield
Representative	:	None
Respondent	:	Kwasi Amposah
Representative	:	None
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 3rd May 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. The Tribunal received the application on 8th May 2024.
2. The Respondent's notice proposed a rent of £950.00 per calendar month with effect from 19th May 2024. The previous rent payable was £650.00 per calendar month.
3. The date the tenancy commenced is stated on the Application Form as being on 20th January 2018 for an initial period of six months.
4. The Tribunal issued Directions on 13th May 2024. Further Directions were issued on 29th May 2024 following which an amended Notice of Increase was served by the Respondent on the Applicant proposing a rental of £950.00 per month with effect from 20th June 2024.

THE PROPERTY

5. Neither party requested an inspection or hearing. The matter was therefore dealt with by the Tribunal on 23rd September 2024, based on the submissions made to it by both parties.
6. The property is understood to be a terraced house comprising two living rooms, kitchen/diner, three bedrooms, bathroom and W.C. Garden.
7. There is understood to be central heating and double glazing. Carpets and curtains are provided by the Landlord as are the white goods.

EVIDENCE

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

THE APPLICANT'S SUBMISSIONS

9. In summary the Applicant submitted:
 - 1) That during the tenancy they had experienced several issues.
 - 2) That the bathroom shower does not work and there is a constant stream of water from the tap which cannot be closed off.
 - 3) That there are cracks, damp spots and mould to areas of the walls, particularly to the first floor.
 - 4) That the boiler does not work properly and it is not possible to switch on the heating and hot water separately.
 - 5) That the Kitchen and living room doors are 'unstable'. The Applicant has attempted to repair these at his expense.
 - 6) That the garden is in a poor state and the garden gate is fragile. As such the Applicant's do not feel safe in leaving the property unattended.
 - 7) That there is a mouse infestation.
 - 8) That they are unable to afford the rent proposed.

THE RESPONDENT'S SUBMISSIONS

10. In summary the Respondent submitted:

- 1) That the rent was considerably in arrears.
- 2) That notice had been served to obtain possession but the Applicant's had not yet moved and therefore it was necessary to review the rent to current levels.
- 3) That the Applicants were not submitting that the rent proposed was above the market rent for the property.

11. The Respondent provided photographs of the property at the commencement of the tenancy and confirmed that he had not refused to carry out any repairs despite the arrears. It was further submitted that the damage to the lounge and kitchen doors was due to them being blown by the wind and not as a result of a defect in the property.

12. The Respondent further submitted that the damp noted was due to a blocked gutter which had been attended to. The Respondent understood there was a rodent infestation in the area and he had advised the Applicants to keep external doors shut. At the same time, he was of the opinion that the items stored at the property by the Applicants would attract mice.

THE LAW

13. 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.

14. 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

15. In the first instance the Tribunal considered the general level of rents in the area and concluded that the rental value of the subject property is £1,020.00 per calendar month.

16. The Tribunal proceeded to consider the question of disrepair and made the following deductions:

Bathroom/shower repairs	20.00
Plaster cracks/damp	20.00
Boiler/heating repairs	40.00
Garden fence/gate	10.00
<u>Total</u>	<u>£90.00</u>

17. The Tribunal then considered what hardship may be suffered by the Applicants who had submitted that they would not be able to afford the rent increase proposed. In the Directions dated 29th May 2024, the Tribunal confirmed that in accordance with section 14(7) of the 1988 Act, the Tribunal could consider hardship and that if the

Applicants wished the Tribunal to have regard to it then they should complete the form attached.

18. The Applicants did not complete the 'Hardship' form, and the Tribunal therefore disregarded that aspect of the application.
19. The Tribunal therefore determined that the rent at which the property might reasonably be expected to be let on the open market would be £930.00 per calendar month (£1,020.00- £90.00 - £930.00). This is effective from 20th June 2024, being the date specified on the Respondent's Notice of Increase.

APPEAL

20. 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)