



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

Case reference : **BIR/OOFY/MNR/2024/0164**

Property : **73 Trentham Drive
Nottingham
NG8 3ND**

Applicant : **Gilbert Mensah**

Representative : **None**

Respondent's : **John Michael Whitt**

Representative : **Retslaw Ltd**

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 Video
Hearing on 20th November 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 £700.00 per calendar month with effect from 10th July 2024, is dated 3rd May 2024.
3. The date the tenancy commenced is stated on the Application Form as being on 10th March 2016 for an initial period of 12 months at a rental of £425.00 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 £500.00 per calendar month.
4. The Tribunal issued Directions on 8th July 2024 following which submissions were received from both parties.

THE PROPERTY

5. Neither party requested an inspection. The Applicant requested a hearing and a video hearing was held on 20th November 2024 attended by the Applicant and Mr Inman from Retslaw Ltd, acting on behalf of the Respondent.
6. The property is understood to be a self-contained ground floor flat comprising of living room, kitchen, two bedrooms and bathroom. There is double glazing but no central heating. A garage is included in the tenancy.
7. The Respondent landlord provided the carpets and the Applicant provided curtains and white goods.

EVIDENCE

8. The Tribunal received written representations from both parties which were copied to the other party. A video hearing was arranged. In addition to the parties as detailed above, and the Tribunal, the hearing was also attended by Mr N Atherton MRICS, as an observer.

THE APPLICANT'S SUBMISSIONS

9. In summary, the Applicant submitted:
 - 1) That he had lived in the property for 5 years and a 40% increase was too high.
 - 2) That 2-bedroom flats in a nearby building were letting at rentals in the region of £600.00 - £650.00 per month.
 - 3) That a new carpet was required to the living room and the bathroom ceiling required repainting due to mould.

THE RESPONDENT'S SUBMISSIONS

10. In summary the Respondent submitted:
 - 1) That he acquired the property in July 2023 when the rent was £500.00 per month which was below market value.

- 2) That he had inspected the property on 10th April 2024 and there was no significant disrepair although it was acknowledged that the living room carpet would benefit from replacement and the bathroom ceiling required painting.
- 3) That number 75 Trentham Drive which he owned was let at £750.00 per month. That property had similar accommodation including a garage but it did have central heating which the subject property did not.
- 4) That similar properties in the area were being advertised at rentals in the region of £800.00 - £850.00 per month.

THE LAW

11. 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.
12. 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

13. In the first instance the Tribunal considered the various comparables provided by the parties together with its own knowledge and experience of rentals in the area and concluded that the rental value of the subject property is £760.00 per calendar month.
14. However, the property is not in the condition that would normally be expected if the property was to be let on the open market and the Tribunal therefore made the following adjustments to reflect the defects confirmed by the parties and the items provided by the tenant:

Lack of central heating	50.00
Lack of white goods (provided by tenant)	20.00
Carpet required to living room	5.00
Repainting to bathroom ceiling	5.00
<u>Lack of curtains (provided by tenant)</u>	<u>15.00</u>
Total	£95.00

15. The Tribunal therefore determined that the rent at which the property might reasonably be expected to be let on the open market would be £665.00 per calendar month (£760.00 - £95.00).
16. The Tribunal determined that the rent for the property is the sum of £665.00 per calendar month with effect from 10th July 2024, being the date on the Respondents Notice of Increase.

APPEAL

17. 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)