



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

Case Reference	:	CAM/22UB/MNR/2024/0604
Property	:	84 Gower Chase Laindon Essex, SS15 5BT
Applicant	:	Carly Hicks (Tenant)
Representative	:	None
Respondent	:	Swan Housing Association (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	:	9 December 2024 First Tier Tribunal (Eastern) County Court Cambridge CB1 1BA
Date of Decision	:	9 December 2024

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application dated 16 October 2024 from 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 24 September 2024, proposed a new rent of £613.37 per calendar month exclusive, with effect from and including 1 November 2024. This rent does not include other services.

- 3 The tenancy is an assured periodic calendar monthly tenancy with effect from and including 23 October 2020, originally on a fixed term now expired. A copy was provided.
- 4 The rent payable from up to and including 2 September 2024 was £569.52 per calendar month. No furniture or services were included.

Directions

- 5 Directions, dated 14 October 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 was viewed to its front external elevation. The house is on a modern compact plot (Google Streetview July 2024) and is set in a small modern residential estate. The road is a cul-de-sac with a turning to what appears to be public parking area to the side of the house. There are no parking restrictions in the road.
- 7 It appeared that the Property is a mid terraced house dating from around 2000, set on 2 levels. There is off street linear parking in road near the house; a rear garden and small front garden.
- 8 The Property has first floor; 2 bedrooms, 1 bathroom, ground floor; WC, living room, kitchen. There is double glazing and central heating supplied by the landlord; with carpets and some curtains/blinds and white goods, said to be supplied by the tenant.
- 9 There was a double pitched single lap clay pantile tiled roof. The front wall is fair faced brick. It appears externally to be in good condition.

Tenants' and Landlord's Representations

- 10 The tenants provided written submissions via the standard Reply Form. The tenants referred to their surprise and concern at the rent increase. It was apparently to a rent higher than some of their neighbours of the same landlord were being charged.
- 11 The landlords provided written submissions via the standard Reply Form.
- 12 The Tribunal is grateful for such information as was provided by both parties in the standard Reply Forms and otherwise.

Law

- 13 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

- 14 From the Tribunal's own general knowledge of market rent levels in Laindon and surroundings it determines that the subject property would let on normal Assured Shorthold Tenancy (AST) terms, for £1,350 per calendar month, fully fitted and in good order.
- 15 From the representations; it found however that the Property lacked the usual carpets and curtains or white goods from the landlord and the tenant had to provide these. For this deficiency from open market practice the Tribunal makes an adjustment of £100 per calendar month. This leaves an adjusted rent of £1,250 per calendar month.
- 16 The new rent of £1,250 per calendar month is payable with effect from and including 1 November 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 than this figure.**

Chairman N Martindale FRICS

Date 9 December 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

84 Gower Chase
Laindon
Essex
SS15 5BT

The Tribunal members were

Mr Neil Martindale FRICS

Landlord

Swan Housing Association

Address

Tenant

Carly Hicks

1. The rent is:£

1250

Per

Calendar
month

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

2. The date the decision takes effect is:

1 November 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

23 October 2020

6. Length of the term or rental period

periodic calendar monthly

7. Allocation of liability for repairs

per tenancy

8. Furniture provided by landlord or superior landlord

.White goods in kitchen. Carpets and curtains. All tenants.

9. Description of premises

Post 2000 mid end terraced house in good condition external front. Brick fair faced, plastic window frames and doors, double glazed, single lap clay pantile covered double pitched roof. Front & rear gardens. Landlord's full GFCH and windows. Accommodation on 2 levels: ff 2 bedroom, Bath/WC; gf WC, Kitchen, Living room. **Landlord may charge any rent up to and including the market rent shown at box1 above but, not a figure in excess.**

Chairman

Neil Martindale
FRICS

Date of Decision

9 December
2024