



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

Case Reference	:	CAM/33 UG/MNR/2024/0633
Property	:	21 Soleme Road Norwich NR3 2 LJ
Applicant	:	Vicki Deal & David Champion (Tenants)
Representative	:	None
Respondent	:	Colin Stacey (Landlord)
Representative	:	
Type of Application	:	S.13 Housing Act 1988 Determination of a new rent
Tribunal Members	:	Mr N. Martindale FRICS
Date and venue of Meeting	:	3 February 2025 First Tier Tribunal (Eastern) County Court Cambridge CB1 1BA
Date of Decision	:	3 February 2025

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application, on 26 November 2024, before the effective start date of the new rent sought, from tenants 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 18 October 2024, proposed a new rent of £925 per calendar month exclusive, with effect from and including 28 November 2024. This rent does not include other services.

- 3 The tenancy is an assured periodic calendar monthly tenancy with effect from and including 28 September 2020. A copy was provided.
- 4 The rent payable from up to and including 27 November 2024 was £650 per calendar month. No furniture or services were included.

Directions

- 5 Directions, dated 19 December 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 Property is a 1930's end terraced, former local authority house, on 2 levels. It has small front and rear gardens the front partly used a driveway. (Google Streetview April 2024). It is of traditional construction: Brick fair faced lower, rendered upper main walls, a hipped double pitched clay pantile main roof over. Windows double glazed plastic frames. Set within an established residential estate of a mix of former and current public sector housing.
- 7 The Property has 3 bedrooms, large and small doubles and single to the first floor. Ground floor, large living room, kitchen, conservatory and bathroom, shower and WC. There is landlord central heating, carpets and curtains.

Tenants' and Landlord's Representations

- 8 The tenants provided written submissions via Application Form and the completed standard Reply Form. The tenant mentioned referral to Norwich City regarding condition and an Improvement Notice and a penalty pending. The Tribunal received some 7No. pictures of the interior: 5No. of mould patches to walls and ceiling, a container of rainwater leaks ? and a 'condemned' fitted gas stove and hob. The tenants referred to the inaction by the landlord in remedying these defects even with the Notice.
- 9 The landlord replied via the standard Reply Form and referred to the low level of the passing rent. He commented that owing to the referral to the City Council by the tenant this had been compelled to increase the rent to help pay for the repairs rather than continue to leave it low with the existing subsidy he was giving. He felt that even the proposed rent was still low and could be the order of £1200 pcm from other comparable properties rented and available in the City.
- 10 The Tribunal is grateful for such information as was provided by both parties in the application, standard Reply Forms and additions.

Law

- 11 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

- 12 From the Tribunal's own general knowledge of market rent levels in Norwich it determines that the subject property would let on normal Assured Shorthold Tenancy (AST) terms, for £1200 per calendar month, fully fitted and in good order.
- 13 From the representations; it found however that the Property lacked a working stove and hob and that there were some minor but persistent repairs to the back addition roof and dampness to bedroom walls. In particular the presence of an Improvement Notice at the Property that had not been complied with, could be a serious impediment to letting and hence rental value at the valuation date – the start date for the new rent. Subject to any separate pending appeals to this Tribunal against such notice (and against a penalty arising) the Tribunal therefore makes a significant reduction in that rent, of some £300, bringing it down to £900 pcm. The new rent will therefore be £900 pcm with effect from 28 November 2024.
- 14 Although the landlord is not obliged to charge this 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 3 February 2025

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

21 Soleme Road
Norwich
NR3 2LJ

The Tribunal members were

Mr Neil Martindale FRICS

Landlord

Colin Stacey

Address

Tenant

Vicki Deal, David Champion

1. The rent is: £

900

Per

Calendar
month

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

2. The date the decision takes effect is:

28 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

28 September 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

Landlord's oven included but not working.
No loose furniture.

9. Description of premises

1930's former Council house, end terrace (of 3). Gardens front & rear off street parking. Residential estate. Double pitched hipped clay pantile roof, GF brick, FF rendered. Front exterior fair/ good condition. (Google Streetview April 2024). Landlord's GFCH & DG, carpets & curtains white goods. Accom. 2 levels: FF 3 bedrooms (1 large double, 1 small double, 1 single); GF Living room. Conservatory, Kitchen, bath/wc. Minor persistent repairs LA enforcement, Imp Notice penalty pending. Incl. mould to bed walls no cooker & roof leak.

Chairman

**Neil Martindale
FRICS**

Date of Decision

3 February 2025