



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

Case Reference : **BIR/37UF/MDR/2024/0601**

Property : **9 Earlswood Drive
Mansfield
Nottingham
NG18 3LL**

Tenant : **Stephen Marfo & Gladys Frimpomaa**

Landlord : **Elaine Huckerby**

Landlord's agent : **Zebralets**

Date of application : **10th October 2024**

Type of Application : **Determination of a Market Rent sections 13
& 14 of the Housing Act 1988**

Tribunal Members : **G S Freckelton FRICS (Chairman)
Mr N Atherton MRICS**

Date of Decision : **3rd March 2025**

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DECISION

The Tribunal determines a rent of £900.00 per month with effect from 3rd March 2025.

REASONS FOR THE DECISION

Background

1. On 3rd September 2024 the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £950.00 per month in place of the existing rent of £800.00 to take effect from 29th October 2024.
2. On 10th October 2024, under Section 13(4)(a) of the Housing Act 1988, the Tenant referred the Landlord's notice proposing a new rent to the Tribunal for determination of a market rent.

Inspection

3. The Tribunal inspected the property by courtesy of the tenant, in the presence of the tenant and Mr G Allen, the landlord's managing agent.
4. The property is a small modern semi-detached house towards the end of a cul-de-sac briefly comprising entrance hall, living room, kitchen with store off, one double bedroom with built in wardrobe and cupboard, two small single bedrooms and bathroom with three-piece sanitary suite including a shower over the bath.
5. The house has gas fired central heating and double glazing. There is an open plan front garden and private rear garden. There is no garage but there is vehicle parking space on the private driveway to the side.

Evidence

6. The Tribunal has considered the written submissions provided by the Tenant and the Landlord. A hearing was held following the inspection. This was attended by the Applicant tenant, the Respondent landlord, Ms N Robertson (Solicitor for the Respondent landlord), Mr G Allen (Agent for the Respondent landlord), Mr N Foster (observer) and Manuela Cojocar from the Tribunal office (also as an observer).
7. During the inspection the Applicant pointed out to the Tribunal, the following defects to the property:
 - Rotten decking area to the rear garden.
 - The intruder alarm and door-bell were not working.
 - There was evidence of water ingress and damaged plaster/decoration around the rear external door frame.
 - There was evidence of some defective double-glazed panes and damage to window cills.
 - Repairs were required to the rear gate.
 - One of the bedrooms was too small to qualify as a bedroom and was actually only a 'compartment'.
 - The above defects were further explained by the Applicant at the hearing. The Applicant also submitted that he had provided the washing machine, fridge/freezer and curtains to the lounge.

8. The Applicant referred to three comparables but these were further away from the subject property than those referred to by the Respondent, one being in the adjacent postcode and two others some 4 miles and 10 miles away respectively.
9. The Respondent referred to several comparable properties in Mansfield as follows:
 - Cubar Close – a three-bedroom town-house offered at £950.00 per month.
 - Valley View – a three-bedroom terraced house offered at £1050.00 per month.
 - Stone Bank – a three-bedroom end-terraced house offered at £995.00 per month.
 - Skerry Hill – an older style three-bedroom terraced house offered at £925.00 per month.
 - Forest Road – an older style three-bedroom semi-detached house offered at £925.00 per month.
 - King Street – an older style semi-detached house offered at £975.00 per month.
 - Little Barn Court – a chalet style semi-detached house offered at £925.00 per month.
10. The Tribunal noted that the older style properties were generally larger than the subject property.
11. The Respondent submitted that under schedule 11 of the Landlord & Tenant Act 1988 not all the repairs referred to by the Applicant were the Respondent's responsibility. These included replacement light bulbs, carpet stains, repairs to a timber radiator cover and a noisy bedroom door. The Respondent also submitted that the door-bell and intruder alarm were not the Respondent's responsibility.

Determination and Valuation

12. In the first instance the Tribunal considered the submission of the Applicant that the third bedroom was not a bedroom but only a 'compartment'. The Tribunal agrees with the Applicant that both single bedrooms are small but determines as a matter of fact that they are both bedrooms being capable of being separated off from the remaining accommodation by a door.
13. The Tribunal then considered the submission of the Respondent that it was not the landlord's responsibility to repair the intruder alarm. The Tribunal disagrees with the Respondent on this point. The intruder alarm is fitted to the property and is an installation. As such, the Tribunal determines that it is the responsibility of the Respondent landlord to maintain same.

14. Having considered the comparable evidence proved by the parties and of our own expert knowledge of rental values in the area, we consider that the open market rent for the property in good tenantable condition would be in the region of £930.00 per month. From this level of rent we have made adjustments in relation to:

Condition	£17.00	
Curtains and white goods fitted by the Tenant	£13.00	
The full valuation is shown below:		
Per month		
Market Rent		£930.00
<u>Less</u>		
Items given under a) above	£17.00	
Items given under b) above	£13.00	
£30.00		
		<u>£30.00</u>
	Say	£900.00

Decision

15. The Tribunal therefore determined that the rent at which the subject property might reasonably be expected to be let in the open market by a willing Landlord under an assured tenancy was £900.00 per month with effect from 3rd March 2025.

Hardship

16. The Tenant raises hardship in their submissions. Accordingly, the Tribunal directs the new rent of £900.00 per month is to take effect from 3rd March 2025, this being the date of the Tribunal's determination.

Chairman: G S Freckelton FRICS Date: 3rd March 2025

APPEAL PROVISIONS

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 statement of reasons (regulation 52 (2) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013) stating the grounds upon which it is intended to rely in the appeal.

Notice of the Tribunal Decision and Register of Rents under Assured Periodic Tenancies (Section 14 Determination)

Housing Act 1988 Section 14

Address of Premises

9 Earlswood Drive
Mansfield
Nottinghamshire
MG18 3LL

The Tribunal members were

Mr G S Freckelton FRICS (Chairman)
Mr N Atherton MRICS

Landlord

Elaine Huckerby

Address

c/o Zebralets (Mansfield) Ltd
65 Westgate, Mansfield, NG18 1RU

Tenant

Stephen Marfo & Gladys Frimpomaa

1. The rent is:

£900.00

Per

month

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

2. The date the decision takes effect is:

3rd March 2025

3. The amount included for services is/is not applicable

Per

4. Date assured tenancy commenced

29th April 2022

5. Length of the term or rental period

Initial 6 months

6. Allocation of liability for repairs

Landlord and Tenant Act 1985

7. Furniture provided by landlord or superior landlord

None

8. Description of premises

A modern semi-detached house comprising, hallway, living room, dining kitchen, three bedrooms and bathroom. Gas central heating and double glazing. Gardens to front and rear. Vehicle parking to driveway.

Chairman

G S Freckelton
FRICS

Date of Decision

3rd March 2025