



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

Case Reference : **HAV/00HP/MNR/2024/0605**

Property : **Flat 18, Barons Court, 100 Princess Road, Poole, BH12 1BP**

Tenant : **D Jones**

Landlord : **P Silvert**

Date of Objection : **24 September 2024**

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

Tribunal : **Mr R Waterhouse BSc (Hons) MA
LLM FRICS
Mr MJF Donaldson FRICS**

Date of Summary Reasons : **26 November 2024**

Date of Full Reasons : **23 January 2025**

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DECISION

The Tribunal determines a rent of £950.00 per month with effect from 1 October 2024.

Full REASONS

The Landlord, Silverstone Properties Limited submitted an Application for Permission to Appeal a decision to the Upper Tribunal (Lands Chamber) dated 18 January 2024. Such an application is premature given the full reasons for the decision have not been requested or issued. Valuer Chair Waterhouse has determined that the Application will be treated as a request for Full Reasons. If either party after the consideration of the Full Reasons wishes to appeal, the appeal provisions are recorded at the end of this decision.

Background

1. On **5 August 2024** the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of **£1150.00 per month** in place of the existing rent of **£950.00 per month** to take effect from **1 October 2024**.
2. On **24 September 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. The Tenant's referral was received by the Tribunal on **24 September 2024**.
3. Directions were issued to the parties on **15 October 2024** requiring the Landlord to submit their statement of case by **29 October 2024** and the Tenant by **12 November 2024**. The Directions also included a blank Reply Form for the parties use.

Inspection

4. The Tribunal did not inspect the property but considered this case on the basis of the papers provided by the parties.

Evidence

5. The Tribunal has considered the written submissions provided by the Tenant and the Landlord.

Applicant Tenant's Submission

6. The Applicant Tenant completed a Reply Form dated 12 November 2024. The Form confirmed the tenancy is for a flat comprising two bedrooms, one

living room and a kitchen, bathroom with WC, a garage and access to communal gardens.

7. The Form notes there is Electric central heating, double glazing.

8. The Tenant noted that the Landlord had submitted a new shower in 2017, a new boiler in 2019 and new wiring in 2019. The Tenant notes there is no service charge.

9. The Reply Form detailed the defects in the property, the tribunal has considered these in detail but in summary they are;

Living room – condensation within the double-glazing carpets pre-2007.

Bathroom – dated suite and carpet, damaged ceiling from previous leak

Kitchen – not built in and dated

Master bedroom – cracking in plaster

Second bedroom – cracking in plaster

The heating in the flat is provided by a single storage heater in the hallway.

The Tenant noted in the Reply Form that the carpets were provided by the landlord, the curtains by the tenant and the double glazing supplied by the LL. Also confirmed there were no white goods supplied by the landlord.

The Tenant also noted in the Reply Form that they were aware of similar flats within a three-mile radius which rent between £900 and £970 per month.

The Tenant also supplied several photos of the inside of the property which the tribunal has considered.

The Tenant submitted some comparables and proposed a figure of **£935 per month**.

Respondent Landlord's submission

10. The Landlord completed and submitted their Reply Form on 21 October 2024. The Reply Form confirmed the property to be a first-floor flat comprising; two bedrooms, one living room, a kitchen, bathroom / WC. The tenancy has the benefit of garage and access to communal gardens. The Landlord's agent also noted "rent includes all works relating to the communal areas such as lighting, cleaning and gardening, and the property is located within a "five-minute drive to the train station and 5 minutes to bus stops." The Landlords Reply Form is silent on who supplied the electric heating, the double glazing, carpets and curtains or the white goods.

11. The Form also notes comparables from which the Landlords agent draws comparison within the block or attached block on Poole Road.

Flat 14 agent Palmer Snell – two-bedroom ground floor flat with garage with a rent of £1200 per month let unfurnished.

Flat 9 agent Palmer Snell two-bedroom flat, first floor, parking, let unfurnished at £1200 per month unfurnished.

Flat 12 A agent Winkworth two-bedroom flat, ground floor, with parking let at £1100 per month unfurnished.

Flat 4 agent Palmer Snell two-bedroom flat, ground floor, with parking let at £1200 unfurnished.

Determination and Valuation

12. Having considered the comparable evidence provided by the parties and our own expert general knowledge of rental values in the area, we consider that the open market rent for the property in good lettable condition would be in the region of **£1250** per calendar month.

13. The comparables cited by the Landlord were given considerable weight because they were in the same block. The comparables given by the Tenant were useful from a contextual point but were gained from further away.

14. However, there are a number of areas of condition and specification which differ or detract from a modern letting with a property in good contemporary condition.

Deductions

Lack of full central heating	£100
Modern Kitchen inc white goods	£100
Carpets (poor condition)	£30
Tenants provision of curtains	£15
Damaged plaster and poor decoration	£55

£300 per month

15. The Tribunal determines a rent of **£1250** per month less **£300** per month giving **£950 per calendar month**.

Decision

16. 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 **£950** per month.

17. The Tribunal directs the new rent of **£950** per month to take effect on **1 October 2024**, this being the date as set out in the Landlord's Notice of Increase.

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 a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.

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).