



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

Property	28 Aruba, Gotts Road, Leeds, LS12 1DW
Applicants	Mr Jaime Bergas Laborda
Respondent	HCGB Services Limited
Case number	MAN/00DA/MNR/2023/0046
Date of Application	27 January 2023
Type of Application	s13(4) Housing Act 1988
Tribunal Members	Tribunal Judge, Katherine Southby Tribunal Member, Amin Hossain
Date of Hearing	20 September 2023

Decision and Extended Reasons

PRELIMINARY

1. The Tribunal received an application from the Tenant under s13(4) of the Housing Act 1988 referring to a notice proposing a new rent.
2. The existing rent was £675 per month. The Applicant had received a notice ("the Notice") from the Respondent dated 7 December 2022 proposing a new rent of £895 per month with effect from 1 February 2023.
3. The Tribunal carried out an inspection of the property at 12.45pm on 20 September 2023. The Tribunal was unable to gain access to the Property itself although did gain access to the communal areas and inspected the location and exterior of the building.

INSPECTION

4. Upon inspection the property proved to be located within a complex of flats close to Leeds City Centre and the River Aire.

THE LAW

5. Section 13(2) of the 1988 Act requires a Landlord seeking to increase the rent of an assured periodic tenancy to serve on the Tenant a notice in the prescribed form proposing a new rent to take effect at the beginning of a new period of the tenancy.
6. For the notice to be valid it must comply with various requirements set out in Section 13(2) of the 1988 Act as amended by the Regulatory Reform (Assured Periodic Tenancies) (Rent Increases) Order 2003.
7. If the notice is valid, Section 14 of the 1988 Act requires the Tribunal to determine the rent at which it considers the property might reasonably be let in the open market by a willing Landlord under an assured tenancy and in so doing the Tribunal must disregard the effect on the rental value of any relevant Tenants improvements.
8. Section 13(2) of the 1988 Act confirms (amongst other things) the start date for the proposed new rent must not be earlier than
“ (c) if the rent under the tenancy has previously been increased...
(ii)....the appropriate date.”
9. The appropriate date is defined in Sections 13(2)A and 3(B) of the 1988 Act as being a minimum of 52 or 53 weeks after any previous increase.

THE TRIBUNAL'S REASONS AND DETERMINATION

10. We carefully considered the written evidence submitted to the Tribunal in advance and the information we obtained at the inspection, whether we refer to it or not.

11. The Tribunal had first to determine whether the notice was valid under Section 13(2) of the 1988 Act.
12. The Notice was in the prescribed form and found to be valid.
13. The Tenant has informed the Tribunal that the Property is a furnished 1 bedroom flat with 1 bathroom and 1 living room. Furniture provided comprises bed, bedside tables, wardrobe, glass table, coffee table, small wooden table chairs, sofa, armchair and TV stand.
14. The Tenant expressed concern in his written representations that the rent had gone up by 32% and that in his view was unreasonable as compared to his neighbours.
15. No information about comparable properties and their rental values was provided to the Tribunal by either party.
16. The Tribunal therefore went on to consider what would be the market rent for comparable properties let in the private sector on an assured tenancy using its own general experience and knowledge of market rent levels in this area.
17. In coming to its decision on the rent the tribunal applied the above law and had regard to the limited evidence supplied by the parties in the bundle, and evidence of comparable properties which it had found.
18. The Tribunal considered a range of comparable properties starting with 1 bedroom properties broadly similar in size, within 1 mile, and in particular those within similar waterside developments in close proximity to the subject Property. The Tribunal specifically considered available to rent 1-bedroom apartments at Whitehall, Leeds LS12; Santorini City Island LS12; Mustard Wharf Leeds LS1 and Northern Street Apartments LS1. The highest rental 1-bedroom apartment was Whitehall Leeds at £1220 per month and the Lowest at Northern Street, being a 1-bedroom apartment for £900.
19. The Tribunal taking all the evidence into account concluded that in the open market an equivalent property of the same construction with modern amenities, including any which this property did not have, in a comparable location would justify a headline rent of £895 per month. In particular we took into account the location of the property, and the fact it is furnished.
20. The Tribunal made no deductions for tenant's improvements as we were provided with no information of any such improvements which we consider to be significant to the rental value. We do not consider painting by the tenant to materially alter the rental value. The Tribunal made no deductions for landlord neglect as we have no information from the tenant that the property is in anything other than good condition.
21. By this calculation the Tribunal calculated that the rent at which this property might reasonably be expected to be let on the open market would be £895 per month.

DECISION

22. The Tribunal determined that the rent of £895 per month should be effective from 1 February 2023.