

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

Housing Act 1988 Section 14

Address of Premises

Ground Floor Flat
2, Wilson Street,
Lincoln,
LN1 3JA

The Committee members were

Tribunal Judge J. E. Oliver
Tribunal Member J. Platts

Landlord Address

Hallgate Samuel Properties
Tillbridge Lane, Lincon LN1 2DS

Tenant

Colin Ellis

1. The rent is: £625.00 Per Calendar month (excluding water rates and council tax but including any amounts in paras 3&4)

2. The date the decision takes effect is: 1st July 2025

*3. The amount included for services is not applicable

Per

*4. ~~Service charges are variable and are not included~~

5. Date assured tenancy commenced 1st April 2014

6. Length of the term or rental period Per calendar month

7. Allocation of liability for repairs

A per tenancy agreement dated 1st April 2014

8. Furniture provided by landlord or superior landlord

2 Stools

9. Description of premises

Ground floor flat in a modern block of 3 flats, comprising one double bedroom with en-suite, kitchen/living/dining room and a small entrance hall leading directly onto the street. There is a yard to the rear of the property with a large outhouse.

Chairman

J. E. Oliver

Date of Decision

18th July 2025



FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference : MAN/32UH/MNR/2025/0666

Property : Ground Floor Flat, 2 Wilson Street,
Lincoln LN1 3JA

Applicant : Colin Peter Ellis

Representative : In person

Respondent : Hallgate Samuel Properties

Representative :

Type of Application : Housing Act 1988 Section 14

Tribunal Members : Tribunal Judge J. E. Oliver
Tribunal Member J. Platts

Date of Determination : 18th July 2025

Date of Reasons : 21st July 2025

DECISION

Decision

1. The Tribunal has jurisdiction to deal with the application.
2. The rent payable for Ground Floor Flat, 2 Wilson Street, Lincoln ('the Property') is £625 per calendar month with effect from 18th July 2025.

Application

3. This is an application by Colin Ellis ("the Applicant") for the determination of the rent payable in respect of the Property, pursuant to Section 14 of the Housing Act 1988 ('the Act').
4. The tenancy of the Property was granted to the Applicant on 1st April 2014, having previously lived in another flat in the property since 1st April 2008.
5. The Landlord of the Property, Hallgate Samuel Properties, ("the Respondent"), served a notice to increase the rent for the Property ("the Notice") from the existing rent of £550 to £700 per calendar month. The Notice, dated 27th January 2025, stated the increase was to take effect from 1st March 2025.
6. The Applicant objected to the proposed increase and filed an application with the First-tier Tribunal for the issue to be determined.
7. A determination of the application, without an inspection of the Property, took place on 18th July 2025.

The Property

9. The Property is a ground floor flat in a modern block of 3 flats, comprising one double bedroom with en-suite, kitchen/living/dining room and a small entrance hall leading directly onto the street. At the rear there is a yard which the Applicant has concreted, erected a large outhouse and a brick built raised bed. The Property has double glazing and gas central heating.
10. All the furnishings, carpets and white goods belong to the Applicant, the only items included with the tenancy being 2 stools.
11. The Applicant advised that Adult Social Services had altered the front door to allow for wheelchair access, replaced the original toilet with a raised toilet and had installed grab handles in the Property. He had paid for the shower to be altered to suit his needs but that had resulted in the hand basin being removed from the en-suite. He had installed a vanity unit in the bedroom.

Submissions

12. The Applicant advised the Landlord had replaced a fan in the shower. There was some wear and tear in the kitchen. He submitted the proposed increase in rent represented a rise of 27.25% which was unreasonable and any rent increase should be no greater than £590 pcm.

13. The Applicant stated the rent for a bungalow let by a housing association was £450 pcm.
14. The Applicant confirmed he was in receipt of benefits including Housing Benefit of £493.65 pcm and that amount was frozen until 2026.
15. The Landlord made no submissions to the Tribunal.

Determination

24. The Tribunal firstly considered whether it had jurisdiction to deal with the application. The tenancy must be one that falls within section 13 of the Act.
25. The criteria for this are:
 - the tenant must have exclusive occupancy of the Property;
 - the Property must be a dwelling house;
 - the dwelling house must be let as a separate property;
 - the tenant must be an individual;
 - the tenant must occupy the property as their principal home; The following criteria must then be satisfied:
 - the tenancy is a periodic tenancy that makes no provision for a rent increase;
 - any rent increase is in the prescribed form;
 - the rent increase must be 52 weeks after the commencement of the tenancy;
 - the rent increase must also be 52 weeks after any previous increase;
 - the notice period for the increase must be at least one month;
 - the notice must be signed by the landlords;
 - the proposed rent must be specified to take effect at the beginning of a new period of the tenancy.
26. The Tribunal considered all these requirements are met and it has jurisdiction to deal with the application.
27. The Tribunal considered the rent at which the Property might reasonably be expected to be let in the open market by a willing landlord under an assured tenancy ("the open market rent"). It noted the comment made by the Applicant regarding the rent for housing association accommodation but determined this is not reflective of rent on the open market. Housing Association properties are typically let below full market value and this evidence was of little assistance to the Tribunal. Neither party provided any evidence of comparable open market rents. The Tribunal, from its own knowledge and experience, is aware of the purpose built one-bedroom flats in Central Lincoln, having been let or on the market of £650-£750 pcm. The cheapest one-bedroom flats are £600-£625 and those are typically in converted properties. The Property is in a purpose-built property and benefits from a rear yard. The Tribunal considers the open market rent for the Property in good condition is £650 pcm.

28. There should be deducted from the market rent an amount for carpets and white goods, those being items usually included in other rental properties identified as comparables by the Tribunal. The Tribunal is obliged to disregard any increase in the value of the dwelling-house attributable to a relevant improvement carried out by the tenant and recognised there should be an allowance for the work undertaken by the tenant in the rear yard. These would be as follows:

Carpets/White goods	£15.00
Tenant's improvements	<u>£10.00</u>
Total	£25.00 per calendar month

28. The Tribunal noted that other works at the Property had been undertaken by Adult Social Services and was therefore not an improvement carried out by the Applicant for which an allowance should be made to the rent. Whilst the Applicant had paid for the shower to be altered this was for his own needs and was not an improvement given it replaced an existing shower. The Tribunal did not consider the removal of the basin from the en-suite and the installation of a vanity unit in the bedroom to improve the Property. Accordingly, no allowance would be made to the rent for those items.
29. The rent for the Property is therefore in the sum of £625 per calendar month with effect from 1st July 2025.
30. In making its decision the Tribunal had regard to section 14(7) of the Act and considered the matter of undue hardship. The Applicant confirmed he was in receipt of Housing Benefit of £493.65 per month. He would have to pay the balance of the increased rent from his benefits. It was considered this would cause the Applicant undue hardship. Accordingly, the increase in rent is effective from the date of the Tribunal's decision.