



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

Case Reference : **CHI/00MS/MNR/2021/0079**

Property : **1 Lasham House, Park Street,
Southampton, SO16 4RS**

Applicant : **Mr A Clark (Tenant)**

Respondent : **220230 Property Ltd (Landlord)**

Date of Application : **22nd July 2021 (received)**

Type of Application : **Sections 13 and 14 of the Housing Act 1988**

Tribunal : **Mr R T Brown FRICS Chairman
Mr S Hodges FRICS
Mr N Robinson FRICS**

Date : **21st September 2021**

REASONS FOR DECISION

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Background

1. The Tribunal gave formal notice of its decision by a Notice dated 21st September 2021 in the sum of **£760.00 per calendar month**.
2. By an application received on 22nd July 2021, the tenant of the above property referred a notice of increase in rent served by the landlord under section 13 of the Housing Act 1988 to the Tribunal.
3. The landlord's notice dated the 28th May 2021 proposed a rent of **£800.00 pcm** with effect from 1st August 2021, in place of the current rent of £630.00 pcm.
4. The tenancy is an assured tenancy. The tenancy agreement is in common form and commenced on 29th March 1993 held over from the original fixed term of 10 years. The tenancy is subject to the Landlord's repairing obligations defined in Section 11 the Landlord and Tenant Act 1985.

Property and Inspection

5. Following the Directions dated 13th August 2021 and the explanation contained therein, the Tribunal did not inspect the premises.
6. Extracting such information as it could from the papers supplied to the Tribunal by the parties, by reference to information publicly available on the internet and with the benefit of its knowledge and experience the Tribunal reached **the following conclusions and found as follows:**
7. The property is located in a predominantly residential area of mixed dwellings close to the centre of Southampton. Local amenities are available.
8. The property comprises a self contained ground floor flat.
9. The accommodation comprises: 1 reception room, 1 kitchen, 2 bedrooms and 1 bathroom. Garden and off street parking.
10. The Tribunal understands that all mains services are connected. There is electric heating and the windows are double glazed.

Hearing

11. A hearing was not requested.

Documents supplied to and considered by the Tribunal

12. Tribunal Directions dated 10th August 2021.
13. Landlord: Tribunal Reply Form and submission.
14. Tenant: Application and Reply Forms, Notice of Increase, Tenancy agreement, and photographs.

Landlord's Representations (summarised):

15. The Landlord's Agent says in the Reply Form:
- a) The Landlord has never visited as he, his agent and workmen have been denied entry by the Tenant.
 - b) The Landlord wishes the Tenant to contribute to contribute to the service charge.
 - c) Shirley is a booming area of Southampton with a high demand for 1 and 2 bedroom properties.
 - d) 15th May 2014 FTT (CHI/00MS/MNR/2014/0025) determination £630.00 pcm.
 - e) Comparables (showing rents from £795.00 to £950.00 pcm) show that the market rent for 2 bedrooled property is £800.00 pcm.

Tenant's Representations (summarised)

16. The Tenant says in the application and reply forms and attached documents and photographs that:
- a) In August 2017 the hot water tank burst spilling 200 litres of water onto the Tenant's carpets. The tenant replaced the boiler at a cost of £1,800.00 and has not been reimbursed by the Landlord.
 - b) A letter to the Tenant from Southampton City Council dated 26th March 2020 advising that there are works required to be undertaken by the Landlord under the Housing Health and Rating System. A schedule and specification included works under the following headings.:
 - 1) Damp and mould growth
 - 2) Excess cold
 - 3) Entry by Intruders
 - 4) Fire detection
 - c) The Shirley area suffered a crime wave which resulted in the damage to the front door.
 - d) The Landlord's comparables are for a completely different area of the city and in a good state of repair. The subject property is in a poor condition because nothing has been done in 30 years.
17. Photographs are included showing: The burst boiler, electric radiator, a hole in the ceiling, rotten woodwork to sink unit, cracked sealing and defective taps to kitchen sink, rotten front door and window frames.

The Tribunal's Deliberations

18. The Tribunal is required to determine 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. The personal circumstances and or any dispute

between the Tenant and the Landlord are not relevant to the determination of the rent. In this connection the Tribunal takes no account of the issue relating to the installation of the hot water system.

19. The Tribunal found as a matter of fact that the notice of rent increase was a Notice under section 13 as prescribed by Statute.
20. The Tribunal checked the National Energy Performance Register and noted that the subject property has no certificate recorded. The legal minimum standard for letting a property is Rating E.
21. Based on the knowledge of its members, the Tribunal finds that the market for this type of property is very sensitive to condition and inventory. The subject property appears to the Tribunal to be in condition that might not immediately appeal to a prospective tenant.
22. Whilst the Tribunal appreciates the Landlord has attempted to carry out repairs (including the replacement of the hot water tank) and has been refused access the Tribunal's brief is to determine the rent of the property in the condition it is in on the day of the determination. (in this connection it ignores the fact the Tenant appears to have paid for the installation of a new hot water system).
23. The Tribunal, acting as an expert tribunal, determined what rent the landlord could reasonably be expected to obtain for the subject property in the open market if it were let today in the condition and subject to the terms of such a tenancy that is considered usual for such an open market letting. It did this by having regard to the evidence supplied by the parties and the Tribunal's own general knowledge of market rent levels. Having done so, it concluded that such a likely market rent for a similar modernised property in fair condition with central heating, double glazing, modern bathroom and kitchen facilities, floor coverings, curtains, all white goods and an EPC Rating above F would be **£900.00 pcm.**
24. The Tribunal, after careful consideration of the current market conditions and the apparent condition of the subject property determined that the condition of the flat is below the standard that would usually be expected for a property of this type and makes the following deductions to reflect these matters:
 - a) Matters of disrepair contained in the Local Authority Notice £25.00
 - b) Lack of white goods £20.00
 - c) Lack of carpets and curtains £20.00
 - d) Lack of modernisation to kitchen and bathroom £50.00.
 - e) Lack of modern central heating system £25.00.
25. This equates to a total deduction of £140.00.
26. Accordingly the Tribunal determined that the market rent for the subject property is **£760.00 pcm.**
27. The rent will take effect from 1st August 2021 being the date specified by the landlord in the notice of increase.

Relevant Law

28. Sections 13 and 14 of the Housing Act 1988.
29. Assured Tenancies and Agricultural Occupancies (Forms) (England) Regulations 2015 (SI 2015 No.620)

RIGHTS OF APPEAL

1. A person wishing to appeal this decision (on a point of law only) to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case. Where possible you should send your application for permission to appeal by email to rpsouthern@justice.gov.uk as this will enable the First-tier Tribunal Regional office to deal with it more efficiently.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.