



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

Case reference : **BIR/17UB/MNR/2021/0060**

Property : **Middle Cottage
Robin Hood
Whatstandwell
Matlock
Derbyshire
DE4 5HF**

Applicant : **Mr A Lowe**

Representative : **None**

Respondent : **Northumberland & Durham Property Trust**

Representative : **Grainger Plc**

Type of application : **Application under Section 13(4) of the
Housing Act 1988 referring a notice
proposing a new rent under an Assured
Periodic Tenancy to the Tribunal**

Tribunal members : **G S Freckelton FRICS
Mrs K Bentley**

**Venue and Date of
Determination** : **The matter was dealt with by a paper
determination on 5th November 2021**

Date Reasons issued : **17 November 2021**

DETAILED REASONS

BACKGROUND

1. On 28th September 2021, the Applicant (tenant of the above property) referred to the Tribunal, a notice of increase of rent served by the Respondent (landlord of the above property) under section 13 of the Housing Act 1988.
2. The Respondent's notice, which proposed a rent of £120.00 per week with effect from 22nd November 2021, is dated 23rd September 2021.
3. The date the tenancy commenced is stated on the Application Form as being in April 1990 and is an Assured Shorthold Tenancy. The current rent is stated as being £113.00 per week.

INSPECTION

4. The Tribunal inspected the property on Friday 5th November 2021 in the presence of the Applicant. The property comprises of a single storey mid terraced bungalow of local stone construction surmounted by a pitched tiled roof. It is located in a somewhat isolated rural position with limited nearby shops and local amenities. The property is approached via a steep drive from a roadway of limited width. The drive leads to a communal parking area.
5. Although the front of the property is on the same level as the parking area, due to the slope of the site, the rear elevation is at first floor level with another unrelated dwelling underneath.
6. Briefly the accommodation comprises of entrance hall, lounge, kitchen, one double bedroom, one single bedroom and shower room with a recently refitted shower provided by the Respondent. The property is small with all the rooms being of a restricted size. Externally the property has a small front forecourt with timber shed provided by the Applicant. There is no rear garden and no garage. There is a shared car parking area of limited size.
7. The property has oil fired central heating and is double glazed.
8. The property was found to be in reasonable general condition although the Tribunal was of the opinion that its limited size, location and lack of outside space would deter some potential tenants.

EVIDENCE

9. The committee received written representations from the Applicant and the Respondent which were copied to the other party.
10. Neither party requested a hearing.
11. In its written submission the Respondent referred to the following comparables:
 - 1) A 2-bedroom semi-detached house on Main Road, Whatstandwell. The property was well modernised, unfurnished and with timber windows at a rental of £157.00 per week.
 - 2) A 2-bedroom semi-detached house in Glen Road, Whatstandwell. The property has central heating and is double glazed, unfurnished with a modern kitchen and bathroom at a rental of £178.00 per week.

- 3) A 2-bedroom terraced house in Derby Road, Ambergate. The property has storage heaters and is double glazed with a modern kitchen and bathroom. The rental is £167.00 per week.
 - 4) A 2-bedroom terraced house in North Street, Cromford. The property has timber windows, storage heaters and a modernised kitchen and bathroom. It is unfurnished at a rental of £150.00 per week.
12. The Respondent submitted that the open market rental was therefore £150.00 per week and that the difference between this figure and the rental proposed reflected the modernised kitchen, white goods, carpets and curtains (provided by the Applicant).
 13. It was submitted by the Applicant that he had 'spent £20,000.00 over the time he had lived at the property. The Tribunal understands that this includes:
 - i. Repairs to several floors and doors.
 - ii. Some re-plastering.
 - iii. Re-fitted the kitchen.
 - iv. Fitted a log burning stove to the Lounge and fireplace.
 - v. Re-fitted the bathroom.
 - vi. Installed central heating.
 - vii. Laid the front patio and built the front wall.
 14. The Applicant confirmed that the Respondent had fitted the UPVC double glazing and UPVC double glazed front door. The Respondent had also rewired the property several years ago.
 15. The Tribunal noted that the Respondent had fitted a new walk-in shower unit and wash hand basin at a cost of £1,758.00. The Applicant submitted that he had reported the taps to the original bath were faulty but they could not be removed without damaging the bath so a new shower unit was therefore fitted.

THE LAW

16. In accordance with the terms of section 14 Housing Act 1988 the Tribunal proceeded to determine the rent at which it considered that the subject property might reasonably be expected to be let on the open market by a willing landlord under an assured tenancy.
17. In so doing the Tribunal, as required by section 14(1), ignored the effect on the rental value of the property of any relevant tenant's improvements as defined in section 14(2) of that Act.

THE TRIBUNAL'S DECISION

18. The Respondent is now proposing a rent of £120.00 per week. The Tribunal determined that an open market rent of £160.00 per week would be appropriate for the property if it was offered with the benefit of carpets, curtains and white goods but these are the property of the Applicant tenant and therefore excluded from the Tribunal's assessment. Similarly, the central heating is to be disregarded as are the other Tenant's improvement.

19. The Tribunal therefore considered the various weekly deductions to reflect the work carried out by the Applicant tenant as follows:

Central Heating	13.00
Refitted kitchen	6.00
New floors/door/plastering	5.00
Fireplace and stove	3.00
External/general works	5.00
<u>Carpets, curtains and white goods</u>	<u>10.00</u>
Total	£42.00

20. In coming to its decision, the Tribunal had regard to the comparable provided by the Respondent and the members' own general knowledge of market rent levels in the area of Derbyshire. The Tribunal concluded that an appropriate market rent for the property would be £118.00 per week.

21. The Tribunal therefore determined that the rent at which the property might reasonably be expected to be let on the open market would be £118.00 per week.

22. This rent will take effect from 22nd November 2021, being the date of the Respondent's notice.

APPEAL

23. Any appeal against this Decision can only be made **on a point of law** and must be made to the Upper Tribunal (Lands Chamber). Prior to making such an appeal the party appealing must apply, in writing, to this Tribunal for permission to appeal within 28 days of the date of issue of this Decision, (or, if applicable, within 28 days of any decision on a review or application to set aside) identifying the decision to which the appeal relates, stating the grounds on which that party intends to rely in the appeal, and stating the result sought by the party making the application.

G S Freckelton FRICS
Chairman
First-tier Tribunal Property Chamber (Residential Property)