



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

Case Reference : CAM/00KF/F77/2021/0016

Property : 9, Broomways, Great Wakering, Southend-on-Sea
SS3 0DP

Tenant : Mrs D Stagg

Landlord : London and Quadrant Group

Type of Application : Determination of rent under Rent Act 1977

Tribunal Members : Judge Judith Lancaster Chairman
Miss Marina Krisko BSc (Est Man) FRICS Valuer Member

Date of hearing : 5 July 2021

Date of Decision : 5 July 2021

STATEMENT OF REASONS

DECISION

The Tribunal determined a Fair Rent of £803.50 per calendar month.

THE PREMISES:

1. Due to Covid-19, the Tribunal did not inspect the Property, but made their determination on the basis of the information provided by the Rent Officer and the parties, and information gained from internet mapping applications, and photographs of the Property on the internet, and their knowledge of the local area.
2. The Property is a two-storey detached house, built of brick with a tiled roof, approximately 50 years old. It has a concrete drive and paved front garden, a garage, and small rear garden. It is located at the end of a cul-de-sac near open countryside, close to the centre of Great Wakering, approximately 3 miles from Southend-on-Sea.
2. The accommodation consists of a living room, kitchen, 3 bedrooms, bathroom and separate WC. It has central heating and double glazing, but the Tenant has provided carpets and curtains. No information was provided to the Tribunal as to what white goods, if any, have been provided by the Landlord.

3. As to condition, the external condition appears from the information available to the Tribunal to be reasonable. No information as to the internal condition was available to the Tribunal.

THE TENANCY

4. The Tenancy commenced on 01/05/1976. Section 11 of the Landlord and Tenant 1985 applies in respect of the Landlord's repairing obligations.

THE APPEAL

5. The Rent Officer registered a Fair Rent capped at £781.50 per calendar month on 27/10/20, effective from that date – the uncapped rent calculated by the Rent Officer was £990.00 pcm. The Tenant appealed by letter received on 5 November 2020. Neither party requested a telephone hearing, and only the Tenant submitted written representations. No photographs of the Property were submitted.

THE TENANT'S CASE

6. The increase is a very large amount from the £523.69 that the Tenant currently pays, especially in these unprecedented and worrying times. Wages are only 80% at the moment and the Tenant is worried about losing her job and her house. The Tenant doesn't claim benefits, and has always paid her rent on time and has never been in arrears.

THE LAW

8. Attached to this Statement of Reasons is a resumé of the law as applied by the Tribunal. It forms an integral part of the Reasons of the Tribunal.

THE DECISION

9. The Tribunal noted the representations made by the Tenant.

10. The Tribunal cannot take personal circumstances into consideration, and therefore cannot take into account the Tenant's ability to pay any rent increase.

11. The previous registered rent was £655.00 pcm, registered on 02/02/2015, and effective from that date. The Landlord can charge less than the registered rent, and it appears in this case this is what happened since 2015. The rent determined by the Tribunal is not an amount the Landlord must charge, but the maximum that the Landlord can charge.

12. The assessment of a Fair Rent starts with an assessment of the open market rent as at the date of the Tribunal's decision.

13. As neither party provided any evidence as to open market rental values, the Tribunal relied on the members' knowledge and experience of open market rents in the area. It is the Tribunal's view that the open market rent for a similar property, in good condition with modern facilities, carpets, curtains and white goods, would be £1250.00 per calendar month. The Tribunal then made a deduction for the fact that the Landlord has not provided carpets and curtains. It should be noted that this deduction cannot be a simple arithmetical calculation but is the Tribunal's estimate of the amount by which the rent would have to be reduced to attract a tenant. A deduction of £125.00 pcm was made to reflect these items.

14. As to scarcity, there is no way of knowing either the exact number of people looking for properties similar to the Property in the private sector, or the exact number of such properties available. It can only be a judgment based on the years of experience of the Tribunal, together with a consideration of the properties advertised as being to let at the time of the determination. These factors lead the Tribunal to the judgment that there is a substantial scarcity of 'similar dwelling houses in the locality' available for letting and a deduction of 10% would be made to reflect this. The Tribunal interpreted the "locality" for scarcity purposes as being South and East Essex, ie a sufficiently large area to eliminate the effect of any localised amenity which would, in itself, tend to increase or decrease rent.

SUMMARY

Open market rent for similar property in good condition with modern facilities	£1250.00 pcm
Less:-	
Deduction for lack of carpets and curtains	<u>£ 125.00 pcm</u> £1125.00 pcm
Deduction for scarcity	<u>£ 112.50 pcm</u>
Fair Rent determined by the Tribunal	£1012.50 pcm

14. The provisions of the Rent Acts (Maximum Fair Rent) Order 1999 must then be considered. The rent capped by the Order is £803.50 pcm. This is higher than the capped rent calculated by the Rent Officer because the calculations were done at different dates. As the capped rent is less than the rent calculated by the Tribunal, capping applies.

15. The Tribunal therefore determined a fair rent of £803.50 per calendar month.

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Judge Judith Lancaster

ANNEX - RIGHTS OF APPEAL

1. 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.
2. 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.
3. 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.

4. 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.

