



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

Case Reference : **CHI/00MS/MNR/2021/0014**

Property : **16 Bassett Mews, Ardnave Crescent,
Southampton, SO16 7NW**

Applicant : **Mr L Mcube (Tenant)**

Respondent : **Hyde Housing Association Ltd
(Landlord)**

Date of Application : **22nd February 2021**

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

Tribunal : **Mr R T Brown FRICS Chairman
Mr M Woodrow MRICS
Mr M J F Donaldson FRICS MCI Arb MAE**

Date : **9th April 2021**

REASONS FOR DECISION

Background

1. The Tribunal gave formal notice of its decision by a Notice dated 9th April 2021 in the sum of **£740.25 per calendar month (pcm)**.
2. By an application dated 22nd February 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 1st February 2021, referring to this as being an assured periodic tenancy, proposed a rent of **£740.25 pcm** with effect from 1st April 2021, in place of the current rent of £705.00 pcm.
4. The application form states the tenancy commenced on 12th September 2016 but no copy of the tenancy agreement has been provided. The tenancy is assumed to be in standard form 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 9th March 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 an established residential suburb of mixed dwellings. Local amenities are available.
8. The property comprises an unfurnished first floor flat in a purpose built block with double glazing and central heating. Carpets, curtains and white goods are included in the tenancy.
9. The Applicant says the accommodation comprises: 1 living room, 2 bedrooms, 2 bathrooms, 1 kitchen.
10. There are communal gardens. There is no off street parking.
11. No specific information was provided to the Tribunal with regard to the supply of utilities (apart from a communal digital TV aerial provided by the Landlord). In the absence of any other information the Tribunal has assumed that mains gas, water, drainage and electricity to be connected.

Hearing

12. A hearing was not requested.
13. The Tribunal having reviewed the papers did not consider that it needed to review the Directions which indicated that this case could be considered on the papers presented without a hearing.

Documents supplied to and considered by the Tribunal

14. Tribunal Directions dated 9th March 2021.
15. Landlord: Tribunal Reply Form, witness statement.
16. Tenant: Application and Notice of Increase.

Landlord's Representations

17. The Landlord's employee, Mr S Lawrence (Head of Property Charges), says in the Reply Form and statement (summarised):
18. The property is located within a mile of University of Southampton (Highfield Campus), less than a mile from 3 schools and close to leisure facilities.
19. Mr Lawrence sets out a list of comparables taken from the original exercise in November /December 2019 as well as more recent evidence.
20. Bassett Mews: One 2 bedroom purpose built flat on the market asking £750.00 in December 2019 plus a copy of the comparable schedule, stated to be sourced from Rightmove used to determine the proposed rent for the subject property. This showed three rents considered in Bassett Mews and one in Fairlea Grange settled between April and September 2020 at figures ranging between £750.00 and £895.00 pcm.
21. Brampton Manor: Purpose built block close by the subject property but older style with larger rooms. Some units also have a private balcony and garage. Five 2 bedroom flats at rents settled between July 2019 and February 2020 at rents between £795.00 and £825.00 pcm.
22. Brampton Tower: Purpose built 14 storey block. Three 2 bedroom flats let between November 2019 and May 2020 at rents between £750.00 and £875.00 pcm.
23. Providence Park: Modern gated development close to the subject property but to a higher specification. Four 2 bedrooms flats let between August 2019 and January 2020 at rents between £900.00 and £1,225.00.
24. In conclusion Mr Lawrence says £825.00 pcm remains the appropriate rent for the subject flat.

Tenant's Representations

25. The tenant makes no submission other than the completed Application Form.

The Tribunal's Deliberations

26. The Tribunal may proceed to determine the rent at which it considers the subject property might reasonably be expected to let on the open market by a willing landlord under an assured tenancy.

27. The Tribunal found as a matter of fact that the notice was a Notice under section 13 as prescribed by Statute.
28. 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 of the Tenant or Landlord are not relevant to this issue.
29. The Tribunal checked the National Energy Performance Register and noted that the subject property had a certificate registered rating the property at C expiring in August 2022. A property offered to let must have a certificate with a rating of at least the legal minimum standard (Rating E).
30. 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. In this case, it appears to the Tribunal that if the subject property were offered on the market today, it is in a condition which would readily find a tenant.
31. The Tribunal considered the comparable evidence supplied by the Landlord. It noted the analysis of the Landlord's comparables and was disappointed by the lack of detail relating to the properties most recently let by Hyde Housing. In particular that disclosed to the previous Tribunal (CHI/00MS/MNR/2020/0031) in July 2020. The Tenant supplied no comparable evidence.
32. The Tribunal, after careful consideration of the current market conditions, the arrangement of the accommodation and the apparently satisfactory condition of the property, determined that the market rent for the subject property is **£740.25 pcm.**
33. The rent will take effect from 1st April 2021 being the date specified by the Landlord in the notice of increase.

Relevant Law

34. Sections 13 and 14 of the Housing Act 1988.
35. 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