



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

Case Reference : **MAN/00BN/F77/2019/0055**

Property : **12 Swayfield Avenue, Longsight,
Manchester M13 0NQ**

Applicant : **Miss J Massaquoi**

Representative : **None**

Respondent : **Places for People**

Representative : **None**

Type of Application : **Determination of a fair rent under
section 70 of the Rent Act 1977**

Tribunal Members : **Ms J White (Chair)
Ms S Latham (Valuer)**

Date of Decision : **8 November 2019**

Date of Reasons : **15 January 2020**

REASONS

Background

1. The assured tenancy started on 16 June 1990.
2. On 13 June 2019 the landlord applied to the Rent Officer for registration of a fair rent of £69.20 per week for the above property.
3. The rent payable at the time of the application was £64.47 per annum. This was lower than the registered fair rent of £80.50 on 16 June 2017.
4. On 14 August 2019 the Rent Officer registered a fair rent of £87 per week with effect from the same date.
5. By letter the tenant objected to the rent determined by the Rent Officer and the matter was referred to the Tribunal.
6. On 8 November 2019 the tribunal inspected the property. Only the tenant was in attendance.
7. The Tribunal made its determination on the same day and the tenant subsequently requested Reasons.

The Hearing

8. A hearing took place on 8 November 2019 at the Residential Property Tribunal. The landlord did not attend and was not represented. The tenant was in attendance and was not represented.

Evidence

The Landlord's Case

9. The Landlord in their response stated that there had been no improvement or neglect. The tenancy did not include white goods, furniture or decoration. There were no services or council tax. They submitted the rent offices valuation though no further evidence.
10. The valuation officer's evidence consisted of a list of rents in greater Manchester ranging from £413 to £92.31 per week for a 3-bedroom terraced house with 2 living rooms. They stated that the open market rent was £125 and made deductions of £38 assessing the final market rent as £87 per week.

The Tenant's Case

11. The tenant's written and oral representations may be summarised as follows. The tenant had lived at the property for 30 years. It has inadequate heating in the living room with only 1 radiator with inadequate output. The gas fire is expensive. The kitchen units and flooring are around 20 years old and is damp. There are signs of dampness under the stairs where wallpaper peels off shortly after redecoration. Externally the house has not been painted for over 20 years. There is mice and cockroach infestation in the area. There had been cockroaches in the property until

she replaced the fridge 2 years ago. The bathroom is in need of decoration and a new floor. The central heating boiler had been replaced around 2 years ago.

12. The only work or change from the landlord since the last rent increase were new windows and some replastering in the kitchen external wall, though the plaster became damp and crumbled a few months later.
13. A rent increase is unjustified. Rents in the area are falling. The tenant did not refer to any comparable rents.

Inspection

14. The Tribunal inspected the property on 8 November 2019 shortly before the hearing, in the presence of Miss Massaquoi.
15. The property comprises a 3-bedroom mid terraced house of brick construction. The ground floor has a small hallway with an under stairs area showing slight signs of dampness. There was no wallpaper at lower level. The kitchen had old and dilapidated kitchen units with some signs of dampness under the sink area. There was a door leading to the back yard. The Tribunal noted cracks to the ceiling. The white goods belong to the tenant. The two living rooms had been knocked through. It has a single radiator a one end plus a gas fire. The second floor comprises a bathroom and three bedrooms with radiators in each. The bathroom had a standard functioning 3 piece suite with a shower over the bath. The rear external walls required repointing. There are UPVC windows throughout.
16. The property is situated in a quiet street surrounded by other terraced streets. There is a busy main road with local amenities and bus links nearby. The private rented sector consists largely of shared student houses.

The Law

17. When determining a fair rent the Tribunal, in accordance with the Rent Act 1977, section 70, had regard to all the circumstances (other than personal circumstances) including the age, location and state of repair of the property.
18. In *Spath Holme Ltd v Chairman of the Greater Manchester etc. Tribunal* (1995) 28 HLR 107 and *Curtis v London Rent Assessment Tribunal* [1999] QB 92 the Court of Appeal emphasised that ordinarily a fair rent is the market rent for the property discounted for 'scarcity' (i.e. that element, if any, of the market rent, that is attributable to there being a significant shortage of similar properties in the wider locality available for letting on similar terms - other than as to rent - to that of the regulated tenancy) and that for the purposes of determining the market rent, assured tenancy (market) rents are usually appropriate comparables. (These rents may have to be adjusted where necessary to reflect any relevant differences between those comparables and the subject property).

Valuation

19. The Tribunal from its own expertise decided that the subject property would command a rent of approximately £130 per week if it had been in the condition

considered usual for a modern letting at a market rent. However, the subject property is not in such a condition for the following reasons:

- a. there is inadequate central heating in the living area with 1 single radiator to heat a double room: £5 deducted.
 - b. The kitchen requires replacing: £20 deducted
 - c. There are some signs of dampness under the stairs and in the kitchen on the external side wall: £5 deducted
20. It is usual for such properties to include carpets, curtains and white goods: a further deduction of £13 is made.
 21. This leaves an adjusted market rent for the subject property of £87 per week.
 22. The Tribunal found that there was no scarcity in the locality of Greater Manchester and therefore did not make a deduction.
 23. This was not limited by the Rent Acts (Maximum Fair Rent) Order 1999, as it fell below that level, the calculations for which were supplied with the Notice of the Tribunal's Decision.
 24. Accordingly, the sum of £87 per week was determined as the fair rent with effect from 14 August 2019 being the date of the Tribunal's decision. The landlord may charge any rent not exceeding that sum.

Judge J White

15 January 2020

ANNEX - RIGHTS OF APPEAL

- The Tribunal is required to set out rights of appeal against its decisions by virtue of the rule 36 (2)(c) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 and these are set out below.
- If a party wishes to appeal against 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.
- 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.
- 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.
- 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.