



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

Case Reference : **CHI/00MS/MNR/2021/0013**

Property : **3 Chatsworth Road, Southampton,
SO19 7NL**

Applicant : **Mrs H Williams (Tenant)**

Respondent : **West Ella Holdings Ltd (Landlord)**

Date of Application : **14th 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 F J 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 **£210.00 per week**.
2. By an application dated 14th 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 10th February 2021 proposed a rent of **£235.00 per week**, with effect from 22nd March 2021, in place of the current rent of £207.00 per week.
4. The application form states the tenancy is an assured tenancy by succession, the original being granted in 1936. There is no written tenancy agreement and it is therefore 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 2nd 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 a secondary residential location of mixed dwellings. Local amenities are available.
8. The property comprises an unfurnished 1930s semi-detached house with double glazing and partial central heating.
9. The accommodation comprises: 3 living rooms, 3 bedrooms, 1 bathroom, 1 kitchen and downstairs toilet.
10. There are gardens to the front and rear. The Landlord states there is no off street parking.
11. No specific information was provided to the Tribunal with regard to the supply of utilities. 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 2nd March 2021.
15. Landlord: Tribunal Reply Form, Statement of case.
16. Tenant: Application, Notice of Increase, Reply Form, Statement of case.

Landlord's Representations

17. The Landlord says in the Reply Form and statement (summarised):
18. The property has double glazing and partial central heating. Carpets, curtains and white goods are not provided. There is no garage or off street parking. No improvements have been carried out since the last rent increase.
19. The property is a larger than average semi detached house. It is believed to be about 120 square metres. To the right of the subject property are four houses with floor areas ranging from 76 to 90 square metres.
20. There are currently 9 x 3 bedroom semis on Rightmove to let within 1 mile of 3 Chatsworth Road:
 - 21 Corbett Road SO18 1HJ: Let at £1,100.00 pcm, 91 square metres smaller and in a poorer location.
 - 12 Grantham Road SO19 4DW: withdrawn.
 - 88 Kathleen Road SO19 8LN: Let at £1,250.00 pcm, smaller 69 square metres and poorer location.
 - 93 Chatsworth Road SO19 7NL: Let at £1,200.00 in January. Identical in style to subject property and not in best condition, 127 square metres.
 - 36 Sunningdale Gardens SO18 5FH: Let at £1,100.00 pcm, 79 square metres.
 - 11 Crowther Close SO19 1BX: Let at £995.00 pcm, modern style, 70 square metres, not very desirable.
 - 60 Magnolia Road SO19 7LH: Let at £1,195.00 pcm, poorer location, 113 square metres.
 - 52 Burselden Road SO19 7NH: Let £995.00 pcm, 88 square metres.
 - 92 Blackthorne Road SO19 7LQ Let at £1,050.00 pcm, in need of work, less desirable location, 94 square metres.
21. All property sizes are from the Energy Performance Certificate Register. The subject property is not rated as it has not been re-let.
22. 93 Chatsworth Road is the best comparable.
23. In 2018 the rent for the subject property was determined by the FTT at £207.00 per week. The starting point taken by the FTT was £230.00 per week with a deduction of 10.00% to reflect the fact the property is not modernised and the tenant under the existing agreement is liable for internal decorations.

24. If the FTT adopts the same approach the rent should be £1,200.00 pcm or £276.92 per week less 10.00% equals £1080.00 pcm (or £249.23 per week).

Tenant's Representations

25. The tenant says in the Application, Reply Form and Statement (summarised):

26. The property has been let to three generations of the Williams family. The Tenant succeeded to the tenancy in October 2016.

27. In the 85 years the property has been let to her family there has been very little modernisation or repair work undertaken by the Landlord. Any work undertaken has been driven by a desire to increase the rent or as a result of a legal obligation. As a result the property remains in poor condition.

28. The Tenant says there is no justification for an increase:

- a) Having researched all the properties available, none are in the same condition as the subject property. All of the following properties are maintained by their Landlords:

Clausentum Road SO14: £850.00 pcm, 3 bedroom mid-terraced, part furnished student property.

New Road SO31: £850.00 pcm, 3 bedroom semi, good area.

Priory Road SO17: £875.00 pcm, 3 bedroom semi, good area, part furnished.

Cambrian Close SO31: £895.00 pcm, 3 bedroom end-terrace, good area unfurnished.

Canterbury Avenue SO19: £895.00 pcm, 3 bedroom mid-terrace, unfurnished, reasonable area.

Landseer Road SO19: £895.00 pcm, 3 bedrooms, mid-terrace, reasonable area, unfurnished.

Woodmill Lane SO18: £900.00 pcm, 3 bedroom semi, reasonable area.

Acacia Road SO19: £925.00 pcm 3 bedroom semi, reasonable area.

- b) The subject property is located in a fairly poor area of Southampton with higher than average crime rates. Local shops at Bitterne are 'budget shops' (poundland, poundstretcher, charity, vape, betting and cash converter).

- c) The floor area of the subject property is not evidenced.

- d) The landlord's comparables are not credible, they are all in better condition than the comparables cited by the Tenant. They are all evidence of decent properties at fair market rents. All the properties are maintained by their landlords and redecorated when necessary. The Tenant provides photographs of these properties giving an indication of their condition.

e) In conclusion there are no credible comparables to the subject property. The properties put forward by the Tenant are at a similar level to the rent proposed but in much better condition. The rent which reflects the current condition of the subject property is £207.00 per week.

The Tribunal's Deliberations

29. 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.
30. The Tribunal found as a matter of fact that the notice was a Notice under section 13 as prescribed by Statute.
31. 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.
32. The Tribunal checked the National Energy Performance Register and noted that the subject property had no certificate registered. A property offered to let must have a certificate with a rating of at least the legal minimum standard (Rating E).
33. 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, if offered today in the market, the property would require enhancement, including full central heating, modern bathroom and kitchen facilities and redecoration, and an upgraded inventory to include carpets, curtains and white goods.
34. The Tribunal considered the comparable evidence supplied by the parties. It noted the limited analysis of the Landlord's comparables. The Tenant on the other hand had provided a detailed analysis (with a large number of photographs) and careful comparison to the subject property and accordingly the Tribunal preferred the Tenant's evidence.
35. The Tribunal, after careful consideration of the current market conditions, the arrangement of the accommodation and the matters identified by the Tenant, determined that the market rent for the subject property is **£210.00 per week (£910.00 pcm)**.
36. The rent will take effect from 22nd March 2021 being the date specified by the Landlord in the notice of increase.

Relevant Law

37. Sections 13 and 14 of the Housing Act 1988.
38. 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