



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

**Case Reference** : **CHI/00MS/MNR/2021/0133**

**Property** : **Flat 31, Park View Mansions, 14 New Road,  
Southampton SO14 0AY**

**Applicant** : **Mr J Jimenez (Tenant)**

**Respondent** : **Mr G Sahota (Landlord) C/o  
Homelife Lettings**

**Date of Application** : **25th October 2021**

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

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

**Date** : **21st January 2022**

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**REASONS FOR DECISION**

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### ***Background***

1. The Tribunal gave formal notice of its decision by a Notice dated 21st January 2022 will be **£900.00 per calendar month (pcm)** with effect from 6th December 2021.
2. By an application dated 25th October 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 30th September 2021 proposed a rent of **£890.00 pcm** with effect from 6th December 2021, in place of the current rent of £850.00 pcm.
4. The tenancy is an assured shorthold tenancy. The tenancy agreement is in common form and is dated 28th August 2019. The tenancy is 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 14th December 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 mixed residential area overlooking the railway line.
8. The property comprises a 6th floor centrally heated double glazed purpose built flat.
9. The accommodation comprises: 1 reception room/kitchen, 2 bedrooms and 2 bathrooms (1 en-suite). Outside: Communal parking and laundry.
10. The property is let part furnished: Carpets, curtains, Sofa, 2 wardrobes, 3 bedside tables, chest of drawers, cooker, water heater and fridge.
11. The Tribunal assumed that all mains services are connected. Heating, hot water and communal cleaning are included in the rent

### ***Hearing***

12. A hearing was not requested.

### ***Documents supplied to and considered by the Tribunal***

13. Tribunal Directions dated 14th December 2021.
14. Landlord: Tribunal Reply Form.
15. Tenant: Application and Reply Forms, Notice of Increase and 2 Tenancy Agreements.

***Landlord's Representations (summarised):***

16. The Landlord says in the Reply Form and attachments:

a) Southampton Central Station is 0.3 miles away within walking distance and on bus route. The city centre is under 0.5 miles.

b) Advertisements of comparables are included:

1) Martins: No address. 2 Bedroom Flat: £900.00 pcm.

2) Pearsons: No address. 2 Bedroom Flat: £1,200.00 pcm.

3) Century 21: Compass House. 2 Bedroom Flat: £950.00 pcm.

4) Leaders: Cranbury Place. 2 Bedroom Flat: £950.00 pcm

***Tenant's Representations (summarised)***

17. In the Application and Reply Forms the Tenant says:

a) The location is central but above the railway and intersection of New Road.

b) The kitchen sink overflows into the bath tub. The maintenance man said the pipework needed to be changed.

c) The water heater in the main bathroom has been out service for more than a year.

d) The humidity in the en-suite is causing the shower base to rot.

e) The kitchen extractor does not work properly.

f) Only one of the two lifts is working.

g) The central heating on at certain times only and is not governed by the outside temperature.

h) The bathroom (waste) plunger has been used by the maintenance man to block the breather pipe.

i) The communal washing machines have been replaced but there is only one dryer for 40 families

18. Communal cleaning is not undertaken regularly. The parking area is full of rubbish.

19. Photographs of the flat and location are included.

20. The following properties (similar in location and quality) are available to let:

a) Livingstone Road SO14: 2 Bedroom Flat: £745.00 pcm.

b) Hill Lane: 2 Bedroom Flat: £825.00 pcm.

c) Cedar Road SO14: 2 Bedroom Flat £850.00 pcm.

d) SO14: 2 Bedroom Flat £795.00 pcm.

***The Tribunal's Deliberations***

21. The Tribunal found as a matter of fact that the notice was a Notice under section 13 as prescribed by Statute.

22. 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.

23. The Tribunal checked the National Energy Performance Register and noted that the subject property has a certificate registering the property at C expiring on 27th July 2028. The legal minimum standard for letting a property is rating E.
24. 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.
25. The Tribunal, acting as an expert tribunal, determined what rent the landlord could reasonably be expected to obtain for the subject property in the open market if it were let today in the condition and subject to the terms of such a tenancy that is considered usual for such an open market letting. It did this by having regard to the evidence supplied by the parties and the Tribunal's own general knowledge of market rent levels. Having done so, it concluded that such a likely market rent for a similar modernised property in fair condition with modern central heating, modern bathroom and kitchen facilities, floor coverings, cooker, washing machine and an EPC Rating above F and including hot water and heating would be **£950.00 pcm.**
26. The Tribunal, after careful consideration of the current market conditions and the apparent condition of the subject property (as shown in the Landlord's photographs) determined to make deductions in respect of those issues identified by the Tenant:
  - a) General disrepair (Plumbing, hot water, laundry facilities, lift failures and extraction) 25.00pcm
  - b) Irregular heating over which the occupant has no time control : £25.00pcm
27. Accordingly the Tribunal determined that the market rent for the subject property is **£900.00 pcm.**
28. The rent will take effect from 6th December 2021 being the date specified by the landlord in the notice of increase.

***Relevant Law***

29. Sections 13 and 14 of the Housing Act 1988.
30. 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](mailto: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.