



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

Case Reference : **BIR/00FN/MNR/2018/0047**

Property : **Flat 13, 71 Osborne Road Leicester LE5 5ET**

Landlord : **Mr K Ditta and Mrs A Khalid**

Representative : **Platinum Homes**

Tenant : **Ms Amina Yusuf Lorgat**

Type of Application : **An Application for a Determination under Section 14 of the Housing Act 1988.**

Tribunal Members : **V Ward BSc Hons FRICS (Chairman)
Mrs K Bentley**

Date of Decision : **10 October 2018**

Date of Statement of Reasons : **12 November 2018**

STATEMENT OF REASONS

BACKGROUND

1. By way of a notice dated 25 June 2018, Mr K Ditta and Mrs A Khalid (“the Landlord”), sought to increase the rental in respect of Flat 13, 71 Osborne Road Leicester LE5 5ET (“the Property”) to £500.00 per month under section 13 of the Housing Act 1988 (“the Act”) with effect from 1 August 2018.
2. The tenancy commenced in August 2016 and the rent payable at the time of the notice was £400.00 per month.
3. By an application received on 6 August 2018, Ms Amina Yusuf Lorgat (“the Tenant”) of the Property, referred the Notice of increase of rent served by the Landlord, to the Tribunal.
4. The Tribunal inspected the property on 10 October 2018.
5. After consideration of the available evidence and the applicable law, the Tribunal determined a rental of £400.00 per month with effect from 1 August 2018.
6. By way of an email dated 17 October 2018, the Landlord requested a copy of the detailed reasons for the determination.

THE PROPERTY

7. The Tribunal carried out an inspection of the Property on 10 October 2018. Present at the inspection was the Tenant.
8. The Property was found to be one of a pair of modern ground floor flats located to the rear of a former industrial building which had been converted into flats and which formed part of the same development. The properties shared a communal car park and amenity area.
9. The Property is situated in the Evington area of the city approximately 2 miles to the east of the city centre.
10. The accommodation comprised the following:

Ground Floor; Hall, open plan lounge/kitchen, bedroom and bathroom with full suite.
11. The property benefitted from double glazing and gas fired central heating. Parking is available but there were limited spaces on a first come, first served basis.

12. There were badly maintained amenity/garden areas and the communal external areas of the development were generally in an appalling condition with piles of refuse present.
13. The Property itself was generally in poor condition within many items that did not appear to have finished to a satisfactory standard, the Tribunal's inspection confirming the Property defects identified in the Tenant's representations (see below).
14. The Tenant had fitted some carpets to the Property and also installed the washing machine and fridge.

EVIDENCE

15. The Tribunal received written representations from the Tenant which were copied across accordingly. No representations were received from the Landlord and or their representatives, Platinum Homes. Neither party requested a hearing.
16. The representations from the Tenant including a "Faults Checklist" which appeared to have been provided by a company called UK Building Compliance, which was dated 14 March 2017. This indicated faults to the following:

- Door frames
- Skirtings
- Radiators
- Sinks
- Underneath bath
- Toilet/Soil vent pipe
- Sockets/switches
- Boiler pipes
- Behind kitchen cabinets

17. The Tenant's other representations indicated that the communal hallway was not cleaned and further that the communal hallway lighting circuits were fed off the flat supply.

THE LAW

18. In accordance with the terms of section 14 of the Housing Act 1988 the Tribunal must determine the rent at which it considers that the subject property might reasonably be expected to let on the open market by a willing landlord under an assured tenancy.

19. In so doing the Tribunal, as required by section 14(1), must ignore the effect on the rental value of the property of any relevant tenant's improvements as defined in section 14(2) of the Act.

VALUATION

20. In the first instance the Tribunal determined what rent the landlord could reasonably be expected to obtain for the Property if it were let today in the condition that is considered usual for such an open market letting. It did this by its own general knowledge of the market rent levels in this area of the city of Leicester. Taking all factors into consideration, the Tribunal concluded that the likely market rental would be £450.00 per month.
21. However, to allow for the Property's generally poor condition and the unsatisfactory state of the external areas, the Tribunal made a deduction of £35.00 per month.
22. A further deduction of £15.00 per month was made to allow for the Tenant's fittings (floor coverings and white goods).
23. The rent determined by the Tribunal for the purposes of Section 14 was, therefore, £400.00 per month with effect from 1 August 2018.
24. In reaching its determination, the Tribunal had regard to the evidence and submissions of the parties, the relevant law and their own knowledge and experience as an expert Tribunal but not any special or secret knowledge.
25. If either party is dissatisfied with this decision they may apply for permission to appeal to the Upper Tribunal (Lands Chamber) on a point of law only. Prior to making such an appeal, an application must be made, in writing, to this Tribunal for permission to appeal. Any such application must be made within 28 days of the issue of this decision (regulation 52 (2) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rule 2013) stating the grounds upon which it is intended to rely in the appeal.

V WARD BSc (Hons) FRICS