



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

Case Reference	:	CAM/12UB/MNR/2020/0023
Property	:	Room 5, 135 Thoday Street, Cambridge CB1 3AT
Applicants	:	Holly Small (Tenant)
Representative	:	None
Respondent	:	Jacklin Properties Ltd (Landlord)
Representative	:	Cecile Jacklin (Agent)
Type of Application	:	Section 13(4) Housing Act 1988
Tribunal Members	:	N Martindale FRICS
Date and venue of Hearing	:	Cambridge County Court, 197 East Road, Cambridge CB1 1BA
Date of Decision	:	2 November 2020

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application on 26 August 2020 from the tenant of the Property, regarding a notice of increase of rent served by the landlord, under S.13 of the Housing Act 1988 (the Act).
- 2 The notice, undated, proposed a new rent of £565 per calendar month, with effect from and including 23 September 2020. The passing rent was £530 per calendar month.

- 3 The Tribunal received brief written representations from each party. A copy of the existing assured shorthold tenancy and of the notice of rent increase were included. There was no hearing.

Tenant's Representations

- 4 The tenant set out the accommodation. The Property is a second floor, bedroom within a terraced house. There are 5 bedrooms in total, 1 shared kitchen, 1 shared bathroom, 1 wc and a shared rear garden. It was evident from the floor plans for the house that although the Property had a larger floor area than other rooms, as an attic room much of it also had a low sloping ceiling.
- 5 The tenancy schedule contained full details of the condition and nature of the finishes, furnishings and furniture in the Property and in the shared accommodation of the bathroom, wc, kitchen, hall, landing and stairs. The house and the Property in particular, are fully furnished.
- 6 The rent under the AST was inclusive of a share of Council Tax for the whole house but, did not include the cost of any mains services or other services at the house which tenants shared between themselves. The tenant mentioned elsewhere that the carpet in the Property was worn in one place but, there were not said to be other defects.
- 7 The tenant did not provide any general market evidence but, in passing correspondence between the tenant and the landlord, the tenant referred to an increase in rents in the house of some 6% since the tenancy began, two and half years prior. The tenant refers to the rents for this house sought by the landlord as being to be £2,700 pcm in total. The tenant considered this to be high compared to the house next door said to be available at £2,400 pcm. The house was said to be identical. If one included the Council Tax of £150 pcm for the whole house, then rents would amount to £2,550 pcm and therefore the overall £150 pcm is excessive.

Landlord's Representations

- 8 The landlord set out the accommodation in the schedule to the original AST and it did not differ materially from the account from the tenant. The Property had full central heating and double glazing. The landlord provided carpets and curtains, white goods and functional furnishings in good condition.
- 9 Although the landlord appeared to include some lettings evidence, the material was in such a very small format that it was indecipherable to the Tribunal. The landlord also referred to some general market analysis within the recent residential and office rental market. They explained in the passing correspondence with the tenant that the

general increase in rents in the house was between 3 and 5% and at the lower end in the case of the Property.

- 10 The landlord made no representations about the condition of the Property other than to challenge the tenants view of the carpet by reference to the letting schedule to the tenancy document.

Inspection

- 11 Owing to the ongoing Coronavirus Pandemic across England the Tribunal does not currently carry out either internal or external inspections.

Law

- 12 Under S.14 of the Act the Tribunal determines the rent at which it considers the property might reasonably be expected to let in the open market, by a willing landlord, under an assured tenancy, on the same terms as the actual tenancy; ignoring any increase in value attributable to tenant's improvements and any decrease in value due to the tenant's failure to comply with any terms of the tenancy. Thus, the property falls to be valued as it stands; but assuming that the property to be in a reasonable internal decorative condition.

Decision

- 13 Based on the Tribunal's own general knowledge of market rent levels in and around Cambridge, the Tribunal determines that the Property would let on normal Assured Shorthold Tenancy (AST) terms, for £565 per calendar month, fully fitted and in good order. This represents an increase of approximately 2.5% pa on the rent passing. In doing so the Tribunal takes account of a general, modest rise in market rents in the intervening two and a half years.
- 14 The Market rent with effect from and including 23 September 2020 is therefore determined as £565 pcm.

Name: N Martindale FRICS

Date: 2 November 2020

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the Tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal 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.

If the Tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).