



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

Case Reference : **CAM/26UE/MNR/2022/0084**

Property : **15 Elmscroft Gardens
Potters Bar
Herts EN6 2JP**

Applicant : **Sangheethan Subramaniam
Sanoja Sangheethan
Poopal Subramaniam (Tenants)**

Representative : **None**

Respondent : **Fiona McHugh (Landlord)**

Representative : **None**

Type of Application : **Section 13(4) Housing Act 1988**

Tribunal Member : **Mr N Martindale FRICS**

**Date and venue of
Hearing** : **30 December 2022
First Tier Tribunal (Eastern)
HMCTS Cambridge CB1 1BA**

Date of Decision : **30 December 2022**

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application dated 5 September 2022 from the tenants 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, dated 11 August 2022, proposed a new rent of £1875 per calendar month exclusive, with effect from and including 12 September 2022. This rent would not include other services.
- 3 The tenancy is an assured periodic monthly tenancy with effect from and including 12 September 2020. The rent payable up to and including 11 September 2022 was £1600 per calendar month exclusive.

Inspection

- 4 The Tribunal did not inspect the Property owing to its ongoing practice reflecting the former Covid 19 restrictions.
- 5 The house dates from the 1930's on a small inter-war residential estate. From Google Streetview (@ April 2018) the Tribunal could see the front external elevation only. The house is on two levels, ground and first with brick/ rendered elevations and double lap concrete tiles on a double pitched hipped roof. There is off road parking for 2 vehicles and a private garden. There are no on-street parking restrictions. Windows appeared to be in double glazed plastic frames to the front elevation.
- 6 The Property was said to have full gas fired central heating with landlord's oven and hob and carpets. The property was said to be in good condition following refurbishment, at time of letting to these tenants in 2020. The Property did not include other white goods.

Evidence and Hearing

- 7 Directions, dated 27 September 2022, for the progression of the case, were issued by Legal Officer Lyn Ajanaku. Neither party requested a hearing. Both parties completed the standard questionnaire providing background information on the tenancy and the Property.
- 8 The landlord provided a monochrome paper copy of photographs of the property taken at the time of letting. The tenant provided a copy of the Assured Shorthold Tenancy. The landlord provided extensive details including photographs of houses to rent nearby. The tenant did not provide details of houses to rent but, supplied helpful comments on a number the landlord's comparables properties to let.

Law

- 9 In accordance with the terms of S14 of the Act we are required to determine the rent at which we consider 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

- 10 From the Tribunal's own general knowledge of residential market rent levels in Potters Bar, Hertfordshire, it determines that the subject property would let on normal Assured Shorthold Tenancy (AST) terms, for £1875 per calendar month, fully fitted and in good order.
- 11 No significant subsisting defects at the date of valuation, 12 September 2022, were drawn to the Tribunals attention for which an allowance might have been considered in the rent. It thus determines the rent of £1875 pcm from and including 12 September 2022.

Chairman N Martindale FRICS

Date 30 December 2022