



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

Case Reference : **CAM/12UE/MNR/2022/0109**

Property : **4a The Broadway St. Ives
Cambs PE27 5BN**

Applicant : **Regine Weckauf (Tenant)**

Representative : **None**

Respondent : **Jaime Bore (Landlord)**

Representative : **The Letting Agency (agent)**

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

Tribunal Members : **Mr N Martindale FRICS**

**Date and venue of
Hearing** : **29 March 2023
Cambridge County Court, 197 East
Road, Cambridge CB1 1BA**

Date of Decision : **29 March 2023**

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application from the tenants of the Property, regarding a prior notice of increase of rent, served by the landlord' agent, under S.13 of the Housing Act 1988 (the Act). Application was made on 5 December 2022, prior to the effective date of the notice 6 December 2022.
- 2 The notice, proposed a new rent of £925 per calendar month with effect from and including 6 December 2022. The passing rent was stated in

the notice, to be £895 per calendar month with effect from 6 December 2020.

- 3 The tenancy is an assured shorthold periodic monthly tenancy. A copy of the tenancy was provided. A copy of the Landlord's notice was provided.

Inspection

- 4 The Tribunal did not inspect the Property, but the Tribunal had regard to Google Street View images of the Property from the public road (@ September 2021). The Property is on 2 levels, first and second and is set above single storey commercial premises (not identified) in the Town Centre of St. Ives. It is located at a busy road interchange for local traffic visiting the retail part of the Town Centre, dating from the Nineteenth Century and earlier in parts.
- 5 The external face of the Property walls are solid with a tiled pitched main roof over typical of the Town Centre. There is no off street parking. There are no secure ground floor areas which would accommodate bicycle storage. The Town Centre is linear in arrangement of relatively narrow streets, with a number of crowded commercial and mixed residential accommodation. Whilst the Property is centrally located and convenient for many central services, it also appears to experience considerable noise nuisance (volume and duration) from street traders, street users and ground floor shops and parked or moving vehicles.
- 6 The Property is a relatively large 2 bedroom home with no communal parts save for the ground to first floor access hall and stairs. Accommodation comprises, second floor two double bedrooms albeit with sloping ceilings to at least parts of each, bathroom / WC, and first floor living room, office (third bedroom or living room) kitchen and WC. Windows appear not to be double glazed. Water and space heating are it appears fed from a self contained gas fired system.
- 7 The Property was let with some white goods (but not fridge) to the kitchen. The heating system and all kitchen and bathroom fittings are let with the Property. All fitted floor coverings and finishes are the landlords. Curtains and other window coverings were the tenants.
- 8 It was unclear to the Tribunal why about half of the final bundle appeared presented in an inverted (180') format, making the submissions and other documents more difficult to follow and read.

Representations

- 9 Directions, dated 12 December 2022, for the progression of the case, were issued by Legal Officer Lyn Ajanaku. Neither party requested a hearing. The tenant made brief representations with the application including photographs and general correspondence on noise in

particular from the location and the unfinished and dirty state of the common stairwell and hallway, not attended to. The absence of double glazing for heat and in particular outside sound reduction in such a central and often noisy area of the Town was a considerable draw back with the location.

- 10 The Tribunal received rental representations from the landlord's agent showing rents for similar Town Centre flats ranging from £900 pcm for 2 bedroom space in central streets to £1350 pcm at the highest, but with the majority around £1000 pcm for the larger 2 bedroom spaces. These were marketed and let just prior or around to the valuation date of 6 December 2022. The tenant and landlord provided a completed standard Reply Form issued with the Directions. The Tribunal carefully considered such written representations as it received in the application and subsequently from both parties.

Law

- 11 In accordance with the terms of S.14 of the Act the Tribunal is required to determine 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

- 12 Based on the Tribunal's own general knowledge of market rent levels in St. Ives and surroundings, it determines that the sizeable subject property would let on normal Assured Shorthold Tenancy (AST) terms, for £1000 per calendar month, fully fitted and in good order. The tenant referred to longstanding items of minor disrepair in common areas. He also marked up the lack of double glazing which allowed considerable heat loss out and a lot of noise nuisance inside.
- 13 There were no significant tenant's improvements or additions and only minor landlord's historic failings to consider. There appeared to be no curtains supplied with the letting. Some white goods, (no fridge), freezer, washing machine were apparently supplied. However the lack of double glazing throughout was a particular deficiency in such a central and often noisy location. The Tribunal therefore makes a deduction of £100 per calendar month to reflect it, leaving £900 pcm.
- 14 The new rent is payable from and including the date set out in the Landlord's notice, from and including 6 December 2022 is therefore at the new sum of £900 pcm.

Chairman N Martindale FRICS

Dated 29 March 2023