



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

Case Reference	:	CAM/00MG/MNR/2023/0027
Property	:	119 Clay Hill Two Mile Ash Milton Keynes MK8 8BB
Applicant	:	Michael Ingram (Tenant)
Representative	:	None
Respondent	:	Mazar Ashraf (Landlord)
Representative	:	None
Type of Application	:	Section 13(4) Housing Act 1988
Tribunal Members	:	Mr N Martindale FRICS
Date and venue of Hearing	:	27 June 2023 Cambridge County Court, 197 East Road, Cambridge CB1 1BA
Date of Decision	:	27 June 2023

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application dated 15 March 2023 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, dated 1 February 2023, proposed a new rent of £750 per calendar month with effect from and including 16 March 2023. The passing rent was stated in the notice, as £650 pcm from 16 June 2021.

- 3 The tenancy is an assured shorthold periodic monthly tenancy. A copy of the tenancy and of the landlord's Notice were provided.

Inspection

- 4 The Tribunal did not inspect the Property internally but viewed the exterior from a Google Street View image of the Property from the public road (taken @ June 2023). The Property is a one bedroom flat at first floor forming part of a small two storey purpose built block of flats dating from the 1980's in a large housing estate of the period.
- 5 The external face of the walls are brick with a double pitched main roof over the Block, finished in single lap concrete roof tiles over. There is a small monopitched double lapped concrete tile roof over the entrance doors on ground floor. There appear to be shared but unallocated parking spaces nearby and there are no on-road parking restrictions.
- 6 The tenant supplied some 24No. x A4 format monochrome printed photographs. Many were over-exposed and lacked any clarity regarding their subject. The Tribunal assumed that they were intended to show areas of slight disrepair inside and outside the flat. The Tribunal was however able to discern these more clearly.
- 7 Pictures 7 & 8 - misaligned external paving slabs forming a small flight of steps possibly up to the entrance door. Picture 9 - misaligned WC bracket allowing seat and lid to be loose. Picture 10 - possibly a build up of dirt and/or damage to the carpet around the exterior of the WC bowl. Picture 11 - of the bathroom basin, but, without apparent defect. Picture 13 - the underside of the bathroom low level cistern showing a stained plastic outlet connection, indicating a slight leak. Picture 14, 17 & 23 - the undersides of the timber roof trusses and sarking felt over the loft. Pictures 15 & 16 of a damaged holed corner presumably to a fitted bathroom or kitchen unit. Pictures 18 & 19 appeared to show very slight cracking to mortar joints to lower level sections of the external brick walls. Picture 22 - a misaligned plastic gutter feed into the loose and dropped top edge of the 3" plastic down pipe.
- 8 The Property is a 1 bedroom, living room, kitchen and bathroom/ WC with no communal parts and its own staircase leading to the ground floor access. Windows are plastic framed double glazed. Water and space heating is apparently fed from a self contained gas fired system.
- 9 The building of which the Property forms part appears to be in good to fair condition. The Tribunal saw that the Property appeared from the photographs relatively new build, but it was beginning to look tired in keeping with the majority of the neighbouring estate. It suggests that there is a considerable amount of letting and relatively few owner occupiers paying close attention to a slow decline of the surroundings.

- 10 The Property was let not let with any white goods, or furniture and lacked any carpets and curtains from the landlord. The kitchen and bathroom appeared to be the originals from some of the pictures, essentially functional but, no more.

Representations

- 11 Directions, dated 20 April 2023, 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 mostly through the photographs. The Tribunal received brief representations from the landlord on the history of the tenancy and rent increases by means of the Tribunal's standard Reply Form issued with the Directions. The Tribunal carefully considered such written representations as it received, from both parties.
- 12 Neither the landlord nor tenant provided any recent rental letting evidence or other local market activity.

Law

- 13 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 it is in a reasonable internal decorative condition.

Decision

- 14 Based on the Tribunal's own general knowledge of market rent levels in Milton Keynes, it determines that the subject property would let on normal Assured Shorthold Tenancy (AST) terms, for £800 per calendar month, fully fitted and in good order. The Property whilst near to but, was not quite in the best letting condition after being let continuously since the early 2000's.
- 15 There were no significant tenant's improvements or additions. There were minor landlord failings in the condition of the Property coupled with the absence of white goods, carpets and curtains and the minor fair and wear and tear to the interior and exterior. The Tribunal therefore makes a deduction of £50 per calendar month to reflect these minor deficiencies, leaving £750 pcm as the new rent.
- 16 The new rent of £750 pcm is payable from and including the date set out in the Landlord's Notice, 16 March 2023.

Notice of the Tribunal Decision and Register of Rents under Assured Periodic Tenancies (Section 14 Determination)

Housing Act 1988 Section 14

Address of Premises

119 Clay Hill
Two Mile Ash
Milton Keynes
MK13 8RA

The Tribunal members were

Mr Neil Martindale FRICS

Landlord

Mazar Ashraf

Address

Tenant

Michael Ingram

1. The rent is: £

750

Per

Per calendar
month

(excluding water rates and council tax
but including any amounts in paras 3)

2. The date the decision takes effect is:

16 March 2023

*3. The amount included for services is/is
negligible/not applicable

nil

Per

*4. Service charges are variable and are not included

n/a

5. Date assured tenancy commenced

18 December 2008

6. Length of the term or rental period

Monthly periodic

7. Allocation of liability for repairs

Per tenancy

8. Furniture provided by landlord or superior landlord

No carpets curtains white goods or furniture provided by landlord.

9. Description of premises

Small self contained dwelling first floor, within a purpose built small 8 flats, 1980's block on 2 levels of flats in a large 1980's housing estate located near to Central Milton Keynes. Accommodation: 1 bed, living room, kitchen, bathroom/wc. No ancillary accommodation. There were no carpets curtains white goods or furniture provided by the landlord. Double glazed, full central heating. Understood from photographs to be in a 'tired' condition.

Chairman

N Martindale

Date of Decision

27 June 2023