



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

Case Reference	:	CAM/00JA/MNR/2023/0010
Property	:	78 Reepham, Orton Brimbles Peterborough PE2 5TT
Applicant	:	Luke Young (Tenant)
Representative	:	None
Respondent	:	Edward & Stuart (Landlord)
Representative	:	Edward & Stuart (agent)
Type of Application	:	Section 13(4) Housing Act 1988
Tribunal Members	:	Mr N Martindale FRICS
Date and venue of Hearing	:	20 March 2023 Cambridge County Court, 197 East Road, Cambridge CB1 1BA
Date of Decision	:	18 July 2023

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application dated 11 January 2023 from the tenants of the Property, regarding a notice of increase of rent, served by the landlord' agent, under S.13 of the Housing Act 1988 (the Act).
- 2 The notice, date 4 December 2022, proposed a new rent of £800 per calendar month with effect from and including 1 February 2023. The passing rent was stated in the notice, to be £700 per calendar month.

- 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 (@ June 2022). The Property is within a housing estate and forms part of a small terrace of houses dating from the 1990's.
- 5 The external face of the walls are brick with a double pitched main roof finished in single lap concrete roof tiles over and it is similar in style to neighbouring properties. There is no garage but a private off road parking space and small garden.
- 6 The Property is a compact 2 bedroom home with no communal parts. Accommodation comprises, first floor two double bedrooms and bathroom (shower over)/ WC, and ground floor living room, dining room /kitchen and WC. Windows are plastic framed double glazed. Water and space heating is fed from a self contained gas fired system. One of the windows has been cracked and had a defective handle. It was unclear if this had yet been repaired but this appeared to be the case.
- 7 The building terrace of which the Property forms part appears to be in good to fair condition. The Tribunal saw that the Property appeared in good condition reflecting its relatively new build, however overall the building is beginning to look tired.
- 8 The Property was let with some white goods (cooker) to the kitchen, but none otherwise. The windows, 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 appeared not to be included.
- 9 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

- 10 Directions, dated 25 January 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 including photographs and general correspondence on what are now historic items of disrepair. The Tribunal received no representations from the landlord. The tenant provided a complete standard Reply Form issued with the Directions. The Tribunal carefully considered such written representations as it received in the application and subsequently.

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 Peterborough and surroundings, it determines that the subject property would let on normal Assured Shorthold Tenancy (AST) terms, for £850 per calendar month, fully fitted and in good order. Although the tenant referred to longstanding items of minor disrepair it appeared to the Tribunal that these had finally been remedied and were now of essentially historic nature as far as the rent increase was concerned.
- 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, fridge, freezer, washing machine and drier did not appear to be supplied either. The Tribunal therefore makes a deduction of £50 per calendar month to reflect these minor deficiencies, leaving £800 pcm as the new rent.
- 14 The new rent is payable from and including the date set out in the Landlord's notice, from and including 1 February 2023 is therefore at the new sum of £800 pcm.

Chairman N Martindale FRICS

Dated 20 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

78 Reepham, Orton Brimbles,
Peterborough, Cambridgeshire
PE2 5TT

The Tribunal members were

Mr Neil Martindale FRICS

Landlord

Edward & Stuart

Address

Tenant

Luke Young

1. The rent is: £ *Per* **(excluding water rates and council tax but including any amounts in paras 3)**

2. The date the decision takes effect is:

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

Per

*4. Service charges are variable and are not included n/a

5. Date assured tenancy commenced

6. Length of the term or rental period

7. Allocation of liability for repairs

8. Furniture provided by landlord or superior landlord

9. Description of premises

Chairman

N Martindale

Date of Decision

18 July 2023