



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

Case Reference	:	CAM/00JA/MNR/2023/0180
Property	:	51 Chadburn Peterborough Cambridgeshire PE4 7DG
Applicant	:	Mahmoud Abdalla (Tenant)
Representative	:	None
Respondent	:	Adidiran Gabriel Ajayl (Landlord)
Representative	:	Bee Residential (Agent)
Type of Application	:	Section 13(4) Housing Act 1988
Tribunal Members	:	Mr N Martindale FRICS
Date and venue of Hearing	:	12 February 2024 Cambridge County Court, 197 East Road, Cambridge CB1 1BA
Date of Decision	:	12 February 2024

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application dated 10 December 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 16 November 2023, proposed a new rent of £850 per calendar month with effect from and including 15 January 2024. The

passing rent was stated in the notice, as £800 pcm with effect from 8 March 2022, determined by the Tribunal on an earlier occasion. The initial rent on grant 15 June 2020, was stated to be £725 pcm.

- 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 @ July 2023). The Property is a two level, end terraced house dating from the 1970's possibly constructed by the former New Towns Commission. It is located in an established residential area of Peterborough.
- 5 The external face of the walls of the house appear as rendered block or brick. The roof finished in concrete single lap tiles to the main double pitch. There is a small front porch with mono-pitched roof over to the same finish. On road parking appears to be unrestricted. There is some off road vehicle parking near to the Property. A shared footpath serves the front of the Property.
- 6 The Property is a 3 bedroom (3 doubles), bathroom/ wc, study, wc, living room, kitchen diner. There are gardens front and rear. Windows and external doors front and rear, appear to be PVCu framed doubled glazed units. It is likely that the main external walls are of cavity construction based on the age of the building.
- 7 Water and space heating is apparently fed from a self contained gas fired system within the Property.
- 8 The building (the short terrace of semi-detached houses) of which the Property forms part, appears to be in fair to good condition externally.
- 9 The Property includes landlord's floor coverings but, not white goods.
- 10 Directions, dated 11 December 2023, for the progression of the case, were issued by Legal Officer Laura Lawless. A hearing was requested.

Tenant's Representations

- 11 The tenant made submissions at the hearing in addition to those in the application form and a completed Reply Form and referred the Tribunal mostly back to the details filed in the same form as the landlord. The contents of the Reply Form were not contentious.
- 12 The tenant did not attend nor request a hearing.

Landlords Representations

- 13 The landlord made representations at the hearing in addition to those in the completed Reply Form.
- 14 The landlord included details of similar semi-detached houses from the 1970's and 1980's in Peterborough offered in November and December 2023. Rents sought were at or around £1,100 pcm and at the hearing the agent confirmed that these had been achieved. A similar 3 bedroom semi detached house but with a garage in PE1; another similar 3 bedroom semi detached house with a ground floor side utility room also at £1,100 pcm in PE4; and another with additional off-road parking and white goods in the kitchen also seeking £1,100 pcm.
- 15 The Tribunal carefully considered such written representations, photographs and oral representations at the telephone hearing; as it received, from both parties. The Tribunal is grateful to both parties for their assistance.

Law

- 16 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

- 17 Based on the Tribunal's own general knowledge of market rent levels in Peterborough, it determines that the subject property would let on normal Assured Shorthold Tenancy (AST) terms, for £1,000 pcm, fully fitted and in good order.
- 18 There were no significant tenant's improvements or additions. There were minor landlord failings in the condition of the Property in particular the absence of white goods to the kitchen and the absence of direct vehicular access to the house from the public road. The Tribunal makes a small deduction of £50 pcm for these slight deficiencies, leaving the new rent as £950 pcm.
- 19 The new rent of £950 pcm is payable from and including the date set out in the Landlord's Notice, 15 January 2024. The landlord may charge any rent up to and including £950 pcm but, not a rent in excess of this figure.

Chairman N Martindale FRICS

Dated 12 February 2024

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 either party is dissatisfied with this decision, they may apply for permission to appeal to the Upper Tribunal (Lands Chamber) on any point of law arising from this Decision.

Prior to making such an appeal, an application must be made, in writing, to this Tribunal for permission to appeal. Any such application must be made within 28 days of the issue of this decision to the person making the application (regulation 52 (2) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rule 2013).

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).

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

Housing Act 1988 Section 14

Address of Premises

51 Chadburn
Peterborough
PE4 7DG

The Tribunal members were

Mr Neil Martindale FRICS

Landlord

Adediran Ajayl (Grant Biddle of Bee Residential (Agent))

Address

Tenant

Mahmoud Abdalla

1. The rent is:£

950

Per

Per calendar month

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

2. The date the decision takes effect is:

15 January 2024

*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

15 June 2020

6. Length of the term or rental period

Calendar monthly

7. Allocation of liability for repairs

Per tenancy

8. Furniture provided by landlord or superior landlord

None

9. Description of premises

End terraced house on 2 levels block built c.1970's in established residential neighbourhood. Accommodation 3 Bedrooms, (3 doubles) Bathroom/ WC, WC, Study, Living Room, Kitchen/ Diner. Full GFCH, double glazing carpets and curtains landlords. Off Street parking and gardens front and rear.

Landlord may charge a rent up to but, not in excess of, the figure stated above at 1.

Chairman

N Martindale

Date of Decision

**12 February
2024**