



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

Case Reference	:	CAM/12UB/MNR/2023/0185
Property	:	Room 3, 78 Argyle Street, Cambridge CB1 3LS
Applicant	:	Oliver Bayfield (Tenant)
Representative	:	None
Respondent	:	David Elsom, Katrina Elsom (Landlords)
Representative	:	St. Andrews Bureau (Agent)
Type of Application	:	Section 13(4) Housing Act 1988
Tribunal Members	:	Mr N Martindale FRICS
Date and venue of Hearing	:	19 February 2024 Cambridge County Court, 197 East Road, Cambridge CB1 1BA
Date of Decision	:	19 February 2024

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application (undated) in 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.
- 2 The notice, dated 15 November 2023, proposed a new rent of £500 per calendar month with effect from and including 18 December 2023. The passing rent was stated in the notice, as £400 per calendar month. It

was unclear when this had been set but, the initial rent from 18 April 2016 was £325 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 Google Street View images of the Property from the public road (data capture @ September 2020). The house faces directly onto the pavement to a quiet established, residential street near to the City centre. There is a small rear garden but none to the front.
- 5 The Property is a rear first floor small double bedroom in a traditional 2 level late C19th terraced house. The Property is let out as 1 of 4 individual bedrooms with communal kitchen, living room, bathroom/WC, rear garden and internal circulation space. The larger house of which the property forms a small part is one of many small traditional late C19th terraced houses c.80m² gross internal floor area from the information supplied, located in the street and surrounding roads. The house is of faced brick elevations. There is a double pitched main roof and likely a single pitched rear roof to the two storey back addition. Windows and front door to the shared area appear to be of the older style plastic frames with double glazed units. The front exterior appears in fair to good condition.
- 6 In addition to exclusive use of the Property, the tenant has shared use of a ground floor communal kitchen for cooking and laundry. The kitchen has white goods including cooker and hob and washing machine. The rent includes landlord provision of hot and cold water and waste, gas fired central heating, electricity, gas, council tax, broadband internet.

Tenant's Representations

- 7 Directions, dated 15 December 2023, for the progression of the case, were issued by Legal Officer Laura Lawless. A hearing was not requested. The standard Reply Form was sent to parties both of which completed and returned them.
- 8 The tenant made brief representations. The tenant referred to *"...successful rent of an entire house nearby of exactly the same description as this one for £1750. If you divide this by 4 rooms this by 4 rooms this is £437.50. My room 3 is average, so no weight adjustment is necessary."*
- 9 Continuing: *"Strutt & Parker report Average Student Rent in Cambridge is now £450. Email from SAB (agent) 17/11/23 stating Landlord wishes to Recoup costs on Energy Bills. So far as I am aware you are not supposed to use a Section 13 to do this as it is only*

to ensure rent is at or in-line the current market rate. Also, Energy bills were capped £2500 and have since going down and so has inflation.” The tenant made reference to rent arrears reminders and a court ruling on same in passing.

- 10 Lastly the tenant referred: *“The Landlord has tried and failed to evict me for complaining about repairs that needed to be done to the property.”* Apparently work required under a Council improvement Notice to *“...the roof had still not been done.”* No copy was provided.
- 11 The tenant stated that they had erected a shower curtain and rail and replaced the toilet seat.

Landlord’s Representations

- 12 The landlord had contacted the tenant by email of 17 November 2023. They stated that: *“In December 2022, the average rent in Cambridge had increased by around 12% compared to December 2021 and currently the year-on-year increase for this region for the latest quarter is 10% so taking £400 + 12% = £448 + 10%= £492.80.”*
- 13 The email also referred: *“The landlord has also considered the inclusive bills and the energy price increase by over 50% in April 2022 followed by another increase of over 25% in October 2022 (this has subsequently reduced in the last few months by approximately 20%).*
- 14 The email concluded: *“With these statistics accounted for, the landlord believes a higher increase could be justified but equally understands some degree of consideration needs to be given to tenants so he is more so seeking to recoup some of his losses on he energy bills rather than increasing his rental income as such.”*
- 15 The landlord noted that the bathroom/ wc had been constructed as a “wet room” and that no shower curtain was needed. Similarly the landlord contended that a replacement toilet seat had not been required. The landlord stated that although the rear garden shed was meant for all tenants to share for storage, the tenant of the Property had taken over most of the space for his storage purposes.
- 16 The Tribunal carefully considered written representations received, from both parties. The Tribunal thanks both for their assistance.

Law

- 17 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

- 18 Based on the Tribunal's own general knowledge of market rent levels in Cambridge, it determines that the Property would let on normal Assured Shorthold Tenancy (AST) terms, for £500 per calendar month, fully fitted and in good order, fully serviced, all bills included.
- 19 There were no significant tenant's improvements or additions. There appeared to be no evidence of a shortfall or deficiency of service provided or condition of the Property or shared areas. The Tribunal did not adjust this figure therefore.
- 20 The new rent of £500 pcm is payable from and including the date set out in the Landlord's Notice, 18 December 2023. The landlord is not obliged to charge this rent but, may not charge more.

Chairman N Martindale FRICS

Dated 19 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

Rm 3, 78 Argyle St.
Cambridge,
CB1 3LS

The Tribunal members were

Mr Neil Martindale FRICS

Landlord

David Elsom & Katrina Elsom (St Andrews Bureau (Agent))

Address

Tenant

Oliver Bayfield

1. The rent is:£

500

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:

18 December 2023

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

Per

*4. Service charges are variable and are not included

5. Date assured tenancy commenced

18 April 2016

6. Length of the term or rental period

Periodic monthly

7. Allocation of liability for repairs

Per tenancy

8. Furniture provided by landlord or superior landlord

Landlords carpets curtains. Furniture included, bed, table, chest of drawers. Common areas, white goods to shared kitchen, living room armchair and sofa

9. Description of premises

First floor rear small double bedroom in typical late C19th mid terraced house. Sharing with 3 others, communal living room, kitchen, bathroom, 4 letting rooms, rear garden, shed. On a quiet side road near City Centre. Brick walls, tiled double pitched and mono pitched rear roofs on 2 levels. No off and limited permit parking. Landlord's full GFCH and DG windows. Services included: gas electric water internet council tax,

Note: The landlord is not obliged to charge this market rent but, may not charge more.

Chairman

**Neil Martindale
FRICS**

Date of Decision

**19 February
2024**