



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

Case Reference : **CAM/26UL/MNR/2023/0126**

Property : **58 Heathcote Avenue
Hatfield
Herts AL10 0RJ**

Applicants : **Mr Dimitrios Arenikis, Mrs Sofia
Vlachou, Miss Vasiliki Areniki
(Tenants)**

Representative : **None**

Respondent : **Miss Krupa Patel (Landlord)**

Representative : **Larkham & Pike (Agent)**

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

Tribunal Members : **Mr N Martindale FRICS**

**Date and venue of
Hearing** : **17 November 2023
Cambridge County Court, 197 East
Road, Cambridge CB1 1BA**

Date of Decision : **17 November 2023**

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application dated 15 September 2023 from the tenants 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 23 August 2023, proposed a new rent of £1400 per calendar month with effect from and including 4 November 2023. The passing rent was stated in the notice, as £1200 per calendar month, from 4 September 2022.
- 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 @ October 2022). The Property is a two bedroom mid terraced house, one of 6 in the block. Accommodation is on 2 levels. The terrace appears to date from the 1950's. It forms part of a larger established residential estate from the same period.
- 5 The external face of the walls are brick, part rendered, with a double pitched main roof over the house, finished in single lap concrete roof tiles covering. The front gardens of the Property and many on the estate are by now given over to use for off road parking. There is a rear garden and rear conservatory.
- 6 The tenant supplied details of a series of minor defects most historic but, some ongoing, which on some occasions had he stated necessitated his attention in default of landlord action, at the tenant's expense.
- 7 The Property accommodation is on two levels. First floor, 2 bedrooms, bathroom WC; ground floor, living room, kitchen and rear conservatory. Windows are mostly plastic framed double glazed but. the tenant referred to some being timber with single glazing, to the rear.
- 8 The Property was said to be let with carpets, curtains and some white goods, but no furniture. The details of this aspect were uncertain.

Representations

- 9 Directions, dated 21 September 2023, for the progression of the case, were issued by Legal Officer Laura Lawless. Neither party requested a hearing.
- 10 The tenant made representations with the application mostly through a description of mainly historic but, also of some ongoing disrepair which affected their enjoyment and use of the Property. Relations with the landlord's agent appeared to be currently strained. The tenant referred to the adjacent house also let at a similar time to the subject Property but at a lower rent which had not been significantly increased despite being slightly better than the subject.

- 11 The landlords agent detailed the good condition of the Property since letting to these tenants in 2020. There was a disparity in the account of defects and attention paid to their remedy. The landlord included front elevation photographs for some 11 other local properties, said to be recently let. These included 2 bedroom houses like the subject, as well as 3 bedroom houses and some 2 bedroom flats. The rents said to have been achieved on lettings supported the new figure of £1400 pcm at the Property in the view of the landlord. For the 2 bedroom terraced houses they ranged from £1300 pcm to £1400 pcm.
- 12 The Tribunal's standard Reply Form issued with the Directions was completed and returned by both parties. The Tribunal is grateful for and has carefully considered such written representations as it received, from both parties.

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 Hatfield, it determines that the subject property would let on normal Assured Shorthold Tenancy (AST) terms, for £1400 per calendar month, fully fitted and in good order.
- 15 There were no significant tenant's improvements but, there did appear to be a history of ongoing minor defects at the Property some of which the tenant had to remedy at their own time and expense. There were minor landlord failings in the condition of the Property and a likelihood of these continuing. The Tribunal therefore makes a deduction of £50 per calendar month to reflect these deficiencies, leaving the new rent at £1350 pcm.
- 16 The new rent of £1360 per calendar month is payable from and including the date set out in the Landlord's Notice, 4 November 2023. The landlord is free to charge any rent up to and including £1350 per calendar month but, not a rent in excess of this figure.

Chairman N Martindale FRICS

Dated 17 November 2023

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).