



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

Case Reference : **CAM/26UL/MNR/2024/0056**

Property : **25 Madison House
Bessemer Road
Welwyn Garden City
AL7 1GQ**

Applicants : **Cherisse McGillivary (Tenant)**

Representative : **None**

Respondent : **Metropolitan Housing Trust
(Landlord)**

Representative : **None**

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

Tribunal Members : **Mr N Martindale FRICS**

**Date and venue of
Hearing** : **15 May 2024 (on Papers)
Cambridge County Court, 197 East
Road, Cambridge CB1 1BA**

Date of Decision : **15 May 2024**

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application dated 11 March 2024 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 20 February 2024, proposed a new rent of £171.70 per week with effect from and including 1 April 2024. The passing rent

was stated in the notice, as £159.42 per week from an earlier unspecified date.

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

Inspection

- 4 The Tribunal did not inspect the Property internally but viewed the exterior from a Google Street View image of the Property as seen from the public road (taken @ September 2020). The Property is a two bedroom purpose built flat in a modern 5 level block of similar flats. The house appears to date from early 2021. The flat and the block in which it is located forms part of a larger established modern residential estate from the same period.
- 5 The external face of the walls appear to be mainly brick finish. The roof to the block appears to low monopitch or flat. The windows are double glazed and there is central heating. There are communal gardens to the block. The parking provision is by permit. There is a lift to all levels.
- 6 The Property accommodation is on one level on the second floor level: 2 bedrooms, bathroom wc, living room, kitchen, open private balcony. There are no stated tenants improvements or additions.
- 7 The Property was said to be let without carpets, curtains, nor white goods and there was no furniture.

Representations

- 8 Directions, dated 15 March 2024, for the progression of the case, were issued by Legal Officer Laura Lawless. Neither party requested a hearing. The tenant filed a standard Reply Form together with details supplied in their initial application form. The landlord also completed the standard Reply Form.
- 9 The tenant supplied the standard completed Reply Form with details of a series of minor defects to the services charges to the internal common areas within the block, mainly it seemed to the ground floor entrance area. The tenancy provides for a separate weekly contribution to communal services which is included within the total rent levied under the lease. The new service charge figure was stated to be £20.62 with effect from the same date as the new rent.
- 10 In their application form, the tenant stated at 'services box 5b': *"Services are supposed to include daily internal cleaning, fortnightly grounds maintenance, quarterly window cleansing and an annual deep clean."* The tenant also included a comment about a 'walk through' of the common parts with the Housing Office Ashif Choudhury on 25 March 2024. *"It was stated that the schedule in he communal space is generic no applicable to out block. I would like a breakdown of the service charges and schedule. They were in agreement about*

the condition of the walls floors and bad smells (pictures attached for reference). Regarding window cleans chemicals are not used just purified water.” The tenant also mentioned: “The front door fire inspection was carried out on 04.04.24, the drop seal wasn’t engaging – this ia health and safety risk. And lastly: “The authorities average actual rent in Welwyn Garden city 24/25) is £131.03 p/w.”

- 11 The landlord made the following representations as to the new rent. *“Hometrack property data website states that between February 2023 and January 2024, 70% of all 2 bedroomed properties in the Haldens Wards of Welwyn had rents of £265 per week or more. The median rent was £282. Rents in nearby Peatree were were higher: median rent £312. Haldens Ward also borders East Hertfordshire District where 30th percentile rent and median rent were both higher than in Haldens.”*
- 12 The Tribunal is grateful for and has carefully considered such written representations as it received, from 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 Welwyn Garden City, it determines that the subject property would let on normal Assured Shorthold Tenancy (AST) terms, for £300 per week, fully fitted and in good order at the valuation date April 2024.
- 15 However the property lacked landlords carpets, curtains and white goods. The Tribunal therefore makes a deduction of £15 to reflect these deficiencies, leaving the new market rent at £285 per week.
- 16 The new rent of £285 per week (includes the service charge) and is payable from and including the date set out in the Landlord’s Notice, 1 April 2024. The landlord may charge any rent up to and including £285 per week but is not obliged to and may not charge a rent in excess of this figure.

Chairman N Martindale FRICS

Dated 15 May 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).