



FIRST-TIER TRIBUNAL  
PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)

Case Reference : CAM/00MG/MNR/2022/0106

Property : 42 Eelbrook Avenue  
Bradwell Common,  
Milton Keynes MK13 8RA

Applicant : Zsolt Gaspar & Marta Adriana  
Huszar (Tenants)

Representative : None

Respondent : Jennifer Metcalfe (Landlord)

Representative : The Right Place (agent)

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

Tribunal Members : Mr N Martindale FRICS

Date and venue of  
Hearing : 3 March 2023  
Cambridge County Court, 197 East  
Road, Cambridge CB1 1BA

Date of Decision : 6 March 2023

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REASONS FOR DECISION

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Background

- 1 The First Tier Tribunal received an application dated 21 November 2022 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 6 October 2022, proposed a new rent of £1250 per calendar month with effect from and including 1 December 2022. The

passing rent was stated in the notice, to be £995 per calendar month from 1 December 2019.

- 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 inspected the Property on 3 March 2023. The Tribunal also had regard to Google Street View images of the Property from the public road (@ June 2015). The Property is within a large housing estate and forms half of a small pair of semi-detached houses dating from the 1980's.
- 5 The external face of the walls are brick with a double pitched hipped main roof finished in single lap concrete roof tiles over. There is a small hipped roof over a small bay to the front elevation. The right hand neighbouring house is the mirror image. There is an integral garage and driveway and small garden to front and rear. The land is on gentle slope from right to left across the frontage. There is a resident's parking scheme on account of visitor parking from the relatively nearby main shopping/ office complex/ transport hub of Central Milton Keynes which is within walking distance of the Property. There was reportedly some damage to the rear garden fence and cracking to front external steps from driveway to the entrance door.
- 6 The Property is a small 3 bedroom home with no communal parts. Accommodation comprises, first floor two double and one single bedrooms and bathroom (shower over)/ WC, and ground floor living room, dining room and kitchen to rear. Windows are plastic framed double glazed. Water and space heating is fed from a self contained gas fired system in the kitchen.
- 7 The building 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 in keeping with the majority of the neighbouring estate, suggesting that there is a considerable amount of letting and relatively few owner occupiers paying close attention to a slow decline of the surroundings.
- 8 The Property was let with some white goods to the kitchen, the cooker and fridge. The windows, heating system and all kitchen and bathroom fittings are let with the Property. Some of the white goods are showing signs of age. All fitted floor coverings and finishes are the landlords. The stairs and some of the upper floor made a loud and annoying creak when walked over.

## Representations

- 9 Directions, dated 9 December 2022, 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. The Tribunal received representations from the landlord and tenant by means of the Tribunal's standard Reply Form issued with the Directions. The Tribunal carefully considered such written representations as it received, from both parties in the application and subsequently.
- 10 The landlord provided through its agent The Right Place a document dated 12 December 2022 entitled 'Market Appraisal Guide. Among other details about the Property it set out brief details of agreed lets nearby. These were 4 homes of semi-detached or linked nature, and 3 detached, letting earlier in 2022 close by, within the same estate, similarly aged, sized and laid out, for between £1,300 and £1350 pcm and the detached from £1250 to £1595 pcm. The report placed a value of £1265pcm on the Property per Zoopla from the effective date of the notice. The tenant did not provide details of rents sought or achieved locally.

## 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 Milton Keynes, it determines that the subject property would let on normal Assured Shorthold Tenancy (AST) terms, for £1350 per calendar month, fully fitted and in good order. The Property whilst near to but, was quite in the best letting condition after being let continuously since 2015.
- 13 There were no significant tenant's improvements or additions and only minor landlord failings to consider, the age and slight limitation of the white goods curtains and blinds provided and the minor fair and wear and tear to the interior and exterior. The Tribunal therefore makes a deduction of £100 per calendar month to reflect these minor deficiencies, leaving £1250 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 6 March 2023 is therefore at the new sum of £1250 pcm.

Chairman N Martindale FRICS

Dated 6 March 2023