



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

Case Reference : **CAM/38UE/MNR/2024/0050**

Property : **10 Fawkner Way
Stanford in the Vale
Oxfordshire
SN7 8FF**

Applicants : **Darryl Lee & Kerry Lee (Tenants)**

Representative : **None**

Respondent : **Sovereign Housing Association Ltd. (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 6 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 12 January 2024, proposed a new rent of £160.74 per week with effect from and including 1 April 2024. The passing rent was stated in the notice, as £149.25 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 @ August 2023). The Property is a three bedroom mid terraced house. The house appears to date from the 2000's. It forms part of a larger established modern residential estate from the same period with a variety of sizes and layouts of an otherwise similar period.
- 5 The external face of the walls appear to be mainly reconstituted stonework with brick features and a double pitched main roof over the house finished in a concrete roof tile covering. The front and enclosed rear gardens are small. The tenancy includes use of two car parking spaces within a communal parking area hard standing nearby. There are no on road parking restrictions.
- 6 The Property accommodation is on two levels. First floor, 3 bedrooms (one small), bathroom wc; ground floor, living rooms, kitchen, wc. The tenant has installed a garden patio, shed, aerial, door locks, door bell washing line and garden gate lock. Windows are new double glazed units throughout and there is full gas fired central heating.
- 7 The Property was said to be let without carpets, curtains, nor white goods and there was no furniture.

Representations

- 8 Directions, dated 14 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 made no representations.
- 9 The tenant supplied the standard completed Reply Form with details of a series of minor defects most historic but, some ongoing. These included unauthorised drain connections from the rainwater system to the public sewer across the front garden; and that the bathroom fan extractor shed air to the loft where it condensed causing damp, rather than venting outside. The kitchen was functional, but already said to be only a basic specification.
- 10 The Tribunal is grateful for and has carefully considered such written representations as it received, from parties.

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 it is in a reasonable internal decorative condition.

Decision

- 12 Based on the Tribunal's own general knowledge of market rent levels in Stanford and surroundings, 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.
- 13 However the property lacked landlords carpets, curtains and white goods. The kitchen was said to be basic and there were some minor defects including the drainage outside and the air ducting to the bathroom/ loft areas above. Any effect of the presence of the improvements listed by the tenants in their application, were ignored. The Tribunal

therefore makes a deduction of £45 per week to reflect these deficiencies, leaving the new market rent at £255 per week.

- 14 The new rent of £255 per week 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 £255 per week but, not 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).