



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

Case Reference : **CAM/38UE/MNR/2023/0181**
41a Folly View Road
Property : **Faringdon**
Oxfordshire
SN7 7DQ
Applicant : **Joshua Ross (Tenant)**
Representative : **None**
Respondent : **Ross Gilmour (Landlord)**
Representative : **Perry Bishop Ltd (Agent)**
Type of Application : **Section 13(4) Housing Act 1988**
Tribunal Members : **Mr N Martindale FRICS**
12 February 2024
Date and venue of Hearing : **Cambridge County Court, 197 East Road,**
Cambridge CB1 1BA
Date of Decision : **12 February 2024**

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application dated 11 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 (the Act).

- 2 The notice, dated 1 December 2023, proposed a new rent of £875 per calendar month with effect from and including 16 January 2024. The passing rent was stated in the notice, as £800 pcm with effect from 16 July 2022. The initial rent on grant 16 July 2022, was stated to be £800 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 a Google Street View image of the Property from the public road (taken @ September 2023). The Property is a single level, semi-detached bungalow dating from the 1990's. It is located just off Folly View Road, in small cul-de-sac behind two blocks of low rise maisonettes, each of 4 dwellings. The general setting is one of an established residential area in the small rural town of Faringdon.
- 5 The external face of the walls of the Property appear fair faced finished brickwork, with a double pitched tiled main roof over. There appears to be an area of shared parking adjacent to the Property near the two blocks of older maisonettes. The Property appears to be in fair to good external condition. There are no parking restrictions on Folly View Road at this point or in the service road to the Property behind the blocks.
- 6 The Property is a 1 bedroom (1 double), bathroom/ wc, living room, kitchen diner. There appears to be a garden to the rear. Windows and external doors front and rear, appear to be PVCu framed doubled glazed units. It is likely that the main external walls are of cavity construction based on the age of the building.
- 7 Water and space heating is apparently fed from a self contained gas fired system within the flat.
- 8 The Property includes landlord's floor coverings and white goods. No furniture was included.

- 9 Directions, dated 12 December 2023, for the progression of the case, were issued by Legal Officer Laura Lawless. No hearing was requested.

Tenant's Representations

- 10 The tenant made submissions in the application form and completed a standard Reply Form.
- 11 The applicant had notable, ongoing health issues which affected his enjoyment of the Property. He also described intrusive incidents at the Property arising from neighbours where he had suffered personal injury and damage to the Property. The applicant supplied details.
- 12 The applicant also provided brief details of many small 1 and 2 bedroom properties principally in other rural small towns and villages in the county and also in Wiltshire, to the south. Some were small houses on more than 1 level, others small 1 and 2 bed flats on ground or first floor. All the properties appeared to be of a similar age and construction to the Property. These were said to show a rent range for similar accommodation of between £650 to £800 pcm indicating that the rent for the Property should remain unchanged at £800 pcm.
- 13 The applicant stated that he had asked for additional precautions to be undertaken at the Property to make access for intruders more difficult including for example, a raised boundary fence and for better window security, but that the landlord had declined on grounds of cost. The applicant stated that area housing allowance was set at £550 pcm for his one bedroom accommodation and that he would not receive more than 50% in "top up" in addition to even pay for the current rent, let alone any additional sum sought by the landlord now.

Landlords Representations

- 14 The landlord did not complete and return the standard Reply Form.
- 15 However the landlord included details of similar small dwellings mainly in other parts of Faringdon, rather than from other more rural areas of the county, as the tenant had preferred. These showed asking rents in the second half of 2023 of between £850 pcm for

one bedroom apartments; through £975 pcm for a detached one bedroom bungalow; £1,050 pcm for a 1 bedroom cottage in October 2023; £1,100 pcm for a 1 bedroom low rise apartment low rise flat.

- 16 The Tribunal carefully considered such written representations, and photographs as it received, from both parties. The Tribunal is grateful to both parties 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 While the Tribunal acknowledges the upset and distress experienced by the applicant in relation to their occupation of the Property, the law does not permit the Tribunal to undertake any consideration of personal circumstances of either party to the tenancy when determining the market rent under S.14. The decision is only based on the Tribunal's own general knowledge of market rent levels in Faringdon and surrounding rural small towns and villages, but especially at this settlement.
- 19 The Tribunal found that while several other rural and small towns in the county and in Wiltshire did show notably lower rents for equivalent accommodation, this was not the case in Faringdon where the Property was located. It determines that the subject property would let on normal Assured Shorthold Tenancy (AST) terms, for £875 pcm, fully fitted and in good order.
- 20 There were no significant tenant's improvements or additions and only minor landlord failings in the condition of the Property. The Tribunal makes no deduction, leaving the new rent as £875 pcm.

- 21 The new rent of £875 pcm is payable from and including the date set out in the Landlord's Notice, 16 January 2024. The landlord may charge any rent up to and including £875 pcm but, not a rent in excess of this figure.

Chairman N Martindale FRICS

Dated 12 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).