



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

Case Reference : **CAM/38UE/MNR/2023/0079**

Property : **66 Bagley Close
Kennington, Oxford,
Oxfordshire, OX1 5LU**

Applicants : **Gwilym Jones
Jiemin Fang
David Lloyd
(Tenants)**

Representative : **None**

Respondent : **Hai Zhou & Yan Hou
(Landlords)**

Representative : **None**

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

Tribunal Members : **Mr N Martindale FRICS**

**Date and venue of
Hearing** : **2 January 2024
Cambridge County Court,
197 East Road,
Cambridge CB1 1BA**

Date of Decision : **2 January 2024**

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application dated 19 April 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 22 March 2023, proposed a new rent of £1600 per calendar month with effect from and including 24 April 2023. The passing rent was stated in the notice, as £1372 per calendar month. The effective start date of the passing rent was stated to be 24 April 2022, also the original rent at grant from the same date.
- 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 @ July 2023). The Property is a 1950's three bedroom semi-detached house, one of a pair. It forms part of a larger established residential estate from the same period.
- 5 The external face of the walls are; at ground floor storey level, of brick finish, and at first floor storey level, of rendered finish. There is a hipped, double pitched main roof over the house, finished in single lap concrete roof tiles covering. The front and rear gardens of the Property are tidy and compact. There is on street parking without obvious parking restrictions. There is space for 2 cars in total on the driveway, shared with the adjacent house.
- 6 The Property accommodation is on two levels. First floor, 3 bedrooms (2 doubles and 1 single), bathroom WC; ground floor, living room, dining room, kitchen, WC, detached garage, conservatory and shed. Windows are generally but not entirely; in plastic frames and with double glazed units. Space and water heating is gas fired and full.
- 7 The Property was said to be let with carpets and other floor finishes new generally from 2014 but in good condition. Other than some built in kitchen units and apparently including landlord's fridge, freezer, hob, oven, washing machine and associated equipment, the Property was let without landlord's loose furniture.

Representations

- 8 Directions dated 28 August 2023, for the progression of the case were prepared by Mary Hardmen Regional Surveyor and issued to the parties. Apparently neither party requested a hearing but, each party made written representations.
- 9 The tenant made representations within the application and briefly summarised the accommodation in the Tribunal's standard Reply Form. These coupled with the detailed handover recorded on grant, contained the essential details of the Property and the terms of the tenancy.

- 10 The Tribunal office received longer representations from the landlord in the standard Reply Form, including dates of various historic works and improvements in the past, at the Property. These were accompanied by a long schedule with brief lettings details of comparable 3 bedroom houses in various Oxford suburbs. These properties, were perhaps some 20 in number. These provided general, though undated, evidence from local letting agents offering apparently similar semi detached houses to let. Starting from around £1500 pcm for smaller offerings to £1700 pcm for larger ones, in marginally superior locations.
- 11 The Tribunal is grateful for and has carefully considered such written representations by form, email and letter, as it received, from both parties.

Law

- 12 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

- 13 Based on the Tribunal's own general knowledge of market rent levels in suburban Oxford, it determines that the subject property would let on normal Assured Shorthold Tenancy (AST) terms, for £1650 per calendar month, fully fitted and in good order.
- 14 There were no reported tenant's improvements, nor persistent unresolved repairs required. Though there was extensive double glazing to the Property, it remained partial and the Tribunal makes a small deduction of £50 pcm from this figure to reflect this minor deficiency, leaving the new rent at £1600 pcm.
- 15 The new rent of £1600 per calendar month is payable from and including the effective start date set out in the Landlord's Notice of 24 April 2023. The landlord is free to charge any rent up to and including £1600 per calendar month but, not a rent in excess of this figure.

Chairman N Martindale FRICS

Dated 2 January 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).