



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

Case Reference	:	CAM/00KA/MNR/2023/0189
Property	:	57 Dane Road Luton Beds LU3 1JW
Applicant	:	Md Nural Amin & Sayma Zaman (Tenants)
Representative	:	None
Respondent	:	Zenith Accommodation (Landlord)
Representative	:	None
Type of Application	:	S.13 Housing Act 1988 Determination of a new rent
Tribunal Members	:	Mr N. Martindale FRICS
Date and venue of Meeting	:	13 March 2024 First Tier Tribunal (Eastern) HMCTS Cambridge CB1 1BA
Date of Decision	:	13 March 2024

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application dated 15 December 2023 from a 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 9 November 2023, proposed a new rent of £1250 per calendar month exclusive, with effect from and including 9 January 2024. This rent does not include other services.

- 3 The tenancy is an assured periodic monthly tenancy with effect from and including 1 February 2021. Parts of a copy were provided.
- 4 The rent payable from 9 January 2023 up to and including 8 January 2024 was £1000 per calendar month. No services were included.

Directions

- 5 Directions, dated 20 December 2023, for the progression of the case, were issued by Legal Officer Laura Lawless. Neither party asked for a hearing.

Inspection

- 6 There was no inspection. However from Google Streetview (@ June 2022) the Tribunal could see the front elevation. It appeared that the house is a conventional 1890's mid terraced house in a street consisting of long terraces of very similar houses. Most likely whilst originally constructed with 3 bedrooms, the third bedroom most likely in the conventional two storey back addition had later been converted into a first floor bathroom WC.
- 7 This house has painted main brick walls to the front elevation. There is a main double pitched roof finished in a replacement single lap concrete tile. It is likely that the back addition is a monopitch arrangement finished in the same way. The small ground floor front bay has a hipped monopitched roof still finished to the original slate. The house adjoins a gated pedestrian passageway to the rear garden most likely shared with the adjoining neighbour. There was no rear access to the rear garden. The small front garden has low brick wall to the pavement edge.
- 8 Front elevation windows and door were double glazed in plastic frames. It is believed that space and water heater was by gas fired central heating boiler.
- 9 Externally the Property appeared to be in a fair to good condition. Its located in an established residential neighbourhood of very similar small 2 and 3 bedroom houses from the Victorian era.

Tenant's and Landlord's Representations

- 10 The tenants provided written submissions via the standard Application Form and the Reply Form, to the Tribunal. There appeared to be no further representations from the landlord, other than briefly contained in the initial notice.

Law

- 11 In accordance with the terms of S14 of the Act we are required to determine the rent at which we consider 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 From the Tribunal's own general knowledge of market rent levels in Luton it determines that the subject property would let on normal Assured Shorthold Tenancy (AST) terms, for £1200 per calendar month, fully fitted and in good order. From the representations there were no specific adjustments to be made to this figure. This leaves an unadjusted rent of £1200 pcm. It is payable with effect from and including 9 January 2024.

Chairman N Martindale FRICS

Date 13 March 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).