



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

Case reference : **CAM/12UG/MNR/2024/0108**

Property : **59 Church Road, Hauxton,
Cambridgeshire CB22 5HS**

Applicant : **David McNicol and Marion
Germain**

Respondents : **George Noble and John Noble**

Represented by **Tucker Gardner Countrywide**

Type of application : **Section 14 of the Housing Act 1988
Determination of market rent
payable.**

Tribunal member(s) : **Mary Hardman FRICS IRRV(Hons)**

Date of decision : **14 August 2024**

DECISION

Description of hearing

This has been a determination based on written submissions which has been consented to by the parties.

Decision:

1. The Tribunal determined a rent of **£1250** per calendar month to take effect from 16 June 2024.

Reasons

Background

2. The Landlord by a notice in the prescribed form dated 2 May 2024 proposed a new 'rent' of £1300 per calendar month (pcm) to be effective from 16 June 2024. On 31 May 2024 the tenant referred the Notice to the Tribunal. This was in lieu of the previous rent of £1100 pcm.
3. Parties were requested to complete a pro forma supplying detail of the accommodation on a room by room basis, the features of the property (central heating, white goods, double glazing, carpets and curtains) and other property attributes and any further comments that they may wish the tribunal to take into consideration. This could include any repairs and improvements that had been made, any comments on the condition of the property and rentals of similar properties – should they wish to rely on these.
4. They were invited to include photographs and were informed that the Tribunal may use internet mapping applications to gather information about the location of the property and may inspect.
5. The determination would take place based on the submissions from both parties unless either party requested a hearing. No request was made for a hearing.

The Property

6. The tribunal inspected the property on 5 August 2024. The tenant, Mr McNicol was present at the inspection.
7. The weather on the day was dry and warm.
8. The property is a three bedroomed semi-detached property, with a tiled roof. There is a hardstanding to the front and a garden to the rear with a storage shed. It would appear to be a former local authority or similar property, built in the 1940's.
9. The accommodation comprises a lounge/dining room, kitchen, and bathroom to the ground floor and three bedrooms, one with ensuite toilet to the first floor. There is gas central heating and double glazing provided by the landlord.
10. The cooker, fridge, washing machine, tumble dryer and floor coverings were provided by the landlord. Curtains were provided by the landlord and the tenant.

11. The bathroom is to the ground floor in a single storey flat roofed rear extension which is likely to suffer from cold. There were no obvious signs of significant damp at the date of inspection but see below.
12. The kitchen is fairly narrow with a hob and oven and stand-alone fridge freezer and a tiled floor.
13. Bedrooms are of a reasonable size (two double and one small single)

The Tenancy

14. The tenancy commenced on 16 August 2019 and a copy of an assured shorthold tenancy agreement was provided. The tenancy term was for an initial period of 12 months and a statutory tenancy on the terms of the written agreement appears to have arisen from 16 August 2020. Section 11 of the Landlord and Tenant Act 1985 applies in respect of Landlord's repairing obligations.

The Law

15. By virtue of section 14 (1) Housing Act 1988 the Tribunal is to determine a rent at which the dwelling-house concerned might reasonably be expected to be let in the open market by a willing landlord under an assured periodic tenancy-
 - (a) having the same periods as those of the tenancy to which the notice relates;
 - (b) which begins at the beginning of the new period specified in the notice;
 - (c) the terms of which (other than relating to the amount of rent) are the same as those of the subject tenancy
16. By virtue of section 14 (2) Housing Act 1988 in making a determination the Tribunal shall disregard –
 - (a) any effect on the rent attributable to the granting of a tenancy to a sitting tenant;
 - (b) any increase in the value of the dwelling-house attributable to a relevant improvement (as defined by section 14(3) Housing Act 1988) carried out by a tenant otherwise than as an obligation; and
 - (c) any reduction in the value of the dwelling-house due to the failure of the tenant to comply with any terms of the subject tenancy.

Representation – Tenant

17. The tenant supplied a large amount of written evidence to include a large number of photographs. The tribunal has viewed these, but the tribunal has attached little weight to those that significantly pre-date the date of the notice of increase.

18. The tenant also referred to issues which are outside of the jurisdiction of the tribunal when determining a market rent and regard has not been had to these.
19. The tenant complained that, whilst the house was fitted with UPVC double glazing, the seals to some of the windows had blown and they supplied photographs. They said that some of the windows were draughty.
20. The bathroom was cold and suffered from damp due to its position and the flat concrete roof, which was uninsulated and suffered from water ingress. A new heater installed by the landlord had improved the position, but they expected the mould to return once the weather turned colder. There was evidence of where mould had been in corner of the room.
21. The kitchen, also part of the single storey flat roofed extension was also very cold. The tumble dryer, located in the shed did not work.
22. There was evidence of damp staining to the walls of all three bedrooms and to the ensuite toilet. When it was raining water came in and ran down the walls. There were also issues with the guttering as the wood holding it up was rotten.
23. They had improved the rear garden and they had pruned the trees with assistance from the landlords' son, but they said that more recent issues with trees were unresolved.
24. They did not believe that the increase from £1100pcm to £1300pcm was in line with market value given the state of the property which they felt was caused by years of neglect. It was a 1940's house with defects as they had outlined and not similar to those properties in the area that had been built more recently.

Representations – Landlord

25. Tucker Gardner Countrywide, on behalf of the landlords similarly provided a large amount of written evidence to include a number of photographs. The tribunal has read all submissions, but, as with the tenant, the tribunal has attached little weight to those that significantly pre-date the date of the notice of increase.
26. They said that until the current tenant the property had not suffered from any mould or damp. After the current tenant complained the landlord inspected with a heating engineer and found that the thermostats to the radiators were set too low and the radiators were not heating. In addition, the tenant was drying clothes on the radiators.
27. A new bathroom had been fitted in July 2019 with the installation of a new bathroom radiator.

28. They had also fitted cavity wall insulation in parts of the property and had replaced the washing machine, fridge freezer and oven.
29. The landlord accepted that there was the need for a visit from the tree surgeon, but this had not been possible as, following a visit which the tenant declined the weather had been unsuitable or it had been bird nesting season.
30. The landlord felt they generally carried out repairs to the property in a timely manner and used professional contractors. Repairs or works were not of poor quality.
31. In terms of support for the market rent of £1300 the representative sent a printout from Rightmove listing 10 properties which would appear to be in Hauxton or nearby .One of these was listed as available as at 27 May 2024 at a rent of £2,000pcm (now asking £1,800 pcm) having three bedrooms; 2 three bedroom houses listed as no longer advertised; 4 three bedroom semis listed as let agreed with an asking rent of £1,450, £1,650, £1,950 and £2,000; a three bedroom bungalow listed as let agreed with an asking rent of £1,700 and two 4 bedroom semis listed as let agreed with asking rents of £1,650 and £1,700.
32. No commentary was provided on the comparables beyond a comment that £1,300 per month was reasonable having regard to the property and the comparables.

Determination

33. The Tribunal determines a market rent for a property by reference to rental values generally and to the rental values for comparable properties in the locality in particular. It does not take into account the present rent and the period of time which that rent has been charged nor does it take into account the percentage increase which the proposed rent represents to the existing rent. In addition, the legislation makes it clear that the Tribunal cannot take into account the personal circumstances of either the landlord or the tenant.
34. The Tribunal assesses a rent for the Property as it is on the day of the hearing disregarding any improvements made by the tenant but taking into account the impact on rental value of disrepair (if any) which is not due to a failure of the tenant to comply with the terms of the tenancy.
35. This is a fairly basic property, albeit conveniently situated. It would need significant work before it would match other three bedroomed properties which form the general market. The ground floor bathroom is a clear disadvantage, and it seems very likely that damp will be persistent given the nature of the single storey extension and the flat roof. Some of the damp may be due to the way the property is occupied

but the tribunal is not persuaded that gives rises to all the damp issues in the property.

36. The landlord has supplied comparables although purely a printout from RightMove based on location and presumable 3/4 bedrooms. There is no consideration given as to which are most comparable and very basic details are supplied. The tribunal also notes that most are more modern properties and appear to be superior to the subject property and all are asking rents .
37. The tribunal has had regard to the evidence supplied by both the landlord and the tenant and has also had to have regard to its own local knowledge and experience. None of the comparables are of much assistance, being very different in character from the subject property. It determines that the open market rent of a property in good condition for its age and type would be around £1500 per month.
38. It has then made deduction of £250 to reflect the basic nature of the bathroom and kitchen, the need for some redecoration, the provision by the tenant of curtains and their work to the garden and arrives as a rent for the subject property of £1250 per calendar month.

**Mary Hardman FRICS IRRV(Hons)
Regional Surveyor**

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 a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

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).