



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

<b>Case Reference</b>	:	<b>CAM/00MC/MNR/2024/0076</b>
<b>Property</b>	:	<b>46 Cardiff Road Reading Berks RG1 8EP</b>
<b>Applicants</b>	:	<b>Lennox Fearon (Tenant)</b>
<b>Representative</b>	:	<b>None</b>
<b>Respondent</b>	:	<b>PS &amp; GK Dhillon Property Portfolio (Landlord)</b>
<b>Representative</b>	:	<b>None</b>
<b>Type of Application</b>	:	<b>Section 13(4) Housing Act 1988</b>
<b>Tribunal Members</b>	:	<b>Mr N Martindale FRICS</b>
<b>Date and venue of Hearing</b>	:	<b>19 July 2024 (on Papers) Cambridge County Court, 197 East Road, Cambridge CB1 1BA</b>
<b>Date of Decision</b>	:	<b>19 July 2024</b>

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**REASONS FOR DECISION**

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**Background**

- 1 The First Tier Tribunal received an application dated 30 March 2024 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 27 February 2024, proposed a new rent of £990 per calendar month with effect from and including 1 April 2024. The

passing rent was stated in the notice, as £900 per calendar month from 1 April 2023.

- 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 it as seen from the public road (taken @ November 2015). The Property is a first floor flat converted from a former two bedroom mid terraced house dating from the 1890's. The former house is narrow with a cross staircase. Accommodation from the ground floor communal hallway is small c. 39m<sup>2</sup>. It forms part of a larger mixed but established residential area with a variety of sizes and layouts of accommodation, from a range of periods.
- 5 The external face of the walls is brick with a simple double pitched main roof over the house finished in a slate covering. There is a monopitch slated roof over the front ground floor bay. There is a small shared front yard but, no off street parking. There are on road parking restrictions.
- 6 The Property accommodation is on the first floor: Bedroom, bathroom/wc, kitchen and living room. There is plastic window framing with double glazing to shared front door and windows to front elevation. There is central heating. Landlord provided white goods a bed, and sofa. The tenant was said to have replaced the bed which had broken. Landlord provided carpets and curtains.

### **Representations**

- 7 Directions, dated 16 May 2024, for the progression of the case, were issued by the Tribunal's 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 tenant referred to some minor disrepair to the bedroom floor, and stair carpets to the common area. The tenant included a photograph which appeared to show a power cable draped across a disused fireplace in one of the rooms.
- 8 The landlord also filed a standard Reply Form with a floor plan showing room sizes and gross internal floor area. Neither party supplied any evidence related to the local current rentals market.
- 9 The Tribunal is grateful for and has carefully considered such written representations as it received, from parties.

## **Law**

- 10 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**

- 11 Based on the Tribunal's own general knowledge of market rent levels in Reading, it determines that the subject property would let on normal Assured Shorthold Tenancy (AST) terms, for £975 per calendar month, fully fitted and in good order at the valuation date April 2024.
- 12 Though there was reference to some minor disrepair this appeared insufficient to justify any deduction from this starting figure.
- 13 The new rent of £975 per calendar month 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 £975 pcm but, not a rent in excess of this figure.

**Chairman N Martindale FRICS**

**Dated 19 July 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).