



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

Case Reference	:	CAM/34UF/MNR/2024/0058
Property	:	32 Forest Road Northampton NN4 8PA
Applicants	:	Muhammad Shaukat Kashif Abbasi Shabnam Ramzan (Tenants)
Representative	:	Peter Day of Your Move Nolan Throw (Agent)
Respondent	:	Terry Woodhouse Jennifer Campbell (Landlord)
Representative	:	None
Type of Application	:	Section 13(4) Housing Act 1988
Tribunal Members	:	Mr N Martindale FRICS
Date and venue of Hearing	:	18 June 2024 (online hearing) Cambridge County Court, 197 East Road, Cambridge CB1 1BA
Date of Decision	:	18 June 2024

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application dated 13 March 2024 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 5 January 2024, proposed a new rent of £1200 per calendar month with effect from and including 17 March 2024. The passing rent was stated in the notice, as £1000 per calendar month from an earlier unspecified date.
- 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 the Property as seen from the public road (taken @ July 2023). The Property is a three bedroom end terrace house. The house appears to date from the 1930's and is a former Council house. It forms part of a larger established residential largely former Council estate, with a variety of sizes and layouts of mainly terraced houses of an otherwise similar period.
- 5 The external face of the walls is brick, with a front hipped, double pitched main roof over the house finished in a slate covering. There is a small roof over the front ground floor brick porch, also finished in slate. There is an enclosed front yard. Although it appears to provide an off road parking space there is no dropped pavement curb or enough space to park a vehicle. There is an especially small rear yard which is open to access from the side. There are no on-road parking restrictions.
- 6 The Property accommodation is on two levels: Ground: living room, dining room, kitchen, WC; First: 3 bedrooms. Windows are double glazed units throughout and full gas fired central heating; both provided by the landlord.
- 7 The Property was let with carpets and a fitted cooker. There was no furniture or other white goods from the landlord. The tenants provide these.

Representations

- 8 Directions, dated 15 March 2024, for the progression of the case, were issued by Legal Officer Laura Lawless. The landlord requested a hearing set for 18 June 2024. Both parties attended, the tenants represented by Mr Shaukaut and the landlords by Mr Day of the Agent. The Tribunal Chair went through the written representations received from both sides. They invited in turn, clarification from each party, of a number of small points arising from that material. The tenant emphasized the especially small and insecure nature of the back yard.
- 9 The tenant did not file a standard Reply Form but, the essential Property and tenancy details were set out by them in their initial application form to the Tribunal. They also provided details of other houses to let at and around the valuation date March 2024.

- 10 The landlord filed a standard Reply Form. There were no significant differences in details of the Property, from the tenant's and landlord's accounts. The landlord also supplied a copy of a 'Best Price guide' commissioned from the Landlord's Agent which included summary details of other houses to let locally at or around the valuation date March 2024. That Report concluded that the new market rent should be £1200 pcm though the agent felt that by the date of the hearing that might be nearer £1300 pcm.
- 11 The Tribunal reminded the parties that the valuation date is that set out in the landlord's notice of rent increase, that is 17 March 2024. The Tribunal is grateful for and has carefully considered such written and oral representations as it received, from parties, before and at the hearing.

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 Northampton, 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 at the valuation date March 2024.
- 14 The Tribunal noted the particularly small outside secure space as might otherwise be expected of a house of this size and era. The former larger corner garden had been sold off some years prior, as a plot and now contained an additional detached house, of a similar size to the Property. There was also a slight deficiency in provision of white goods other than of the cooker, by the landlord.
- 15 For these minor factors the Tribunal makes a deduction from this starting figure, of £50 pcm.
- 16 The new rent of £1150 per calendar month is payable from and including the date set out in the Landlord's Notice, 17 March 2024. The landlord may charge any rent up to and including £1150 per calendar month but, not a rent in excess of this figure.

Chairman N Martindale FRICS

Dated 18 June 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).

Notice of the Tribunal Decision and Register of Rents under Assured Periodic Tenancies (Section 14 Determination)

Housing Act 1988 Section 14

Address of Premises

32 Forest Road
Northampton
NN4 8PA

The Tribunal members were

Mr Neil Martindale FRICS

Landlord

Terry Woodhouse & Jennifer Campbell

Address

Tenant

Muhammad Shaukat Kashif Abbasi Shabnam Ramzan

1. The rent is:£

1150

Per

Per calendar month

(excluding water rates and council tax but including any amounts in paras 3)

2. The date the decision takes effect is:

17 March 2024

*3. The amount included for services is/is negligible/not applicable

nil

Per

week

*4. Service charges are variable and are not included n/a

5. Date assured tenancy commenced

17 August 2016

6. Length of the term or rental period

monthly

7. Allocation of liability for repairs

Per tenancy

8. Furniture provided by landlord or superior landlord

None

9. Description of premises

2 storey 1930's end terraced house in an established housing estate with houses of similar age. Brick walls slated double pitched hipped main roof, small ground floor porch roof.. Accommodation: 3 double beds bathroom/wc, living room, dining room, kitchen wc. Front yard & very small open access rear garden. Double glazed, full central heating. Some on-road restrictions. Includes carpets and cooker but, not all white goods.
The landlord may charge a rent up to but, not in excess of the figure stated at box 1.

Chairman

N Martindale

Date of Decision

18 June 2024