



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

**Case Reference** : **CAM/26UE/MNR/2024/0034**

**Property** : **73 School Lane  
Bushey  
Herts  
WD23 1BY**

**Applicants** : **Mr C M Glynn (Tenant)**

**Representative** : **None**

**Respondent** : **Mountview Estates (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 (on Papers)  
Cambridge County Court,  
197 East Road, Cambridge CB1 1BA**

**Date of Decision** : **18 June 2024**

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**REASONS FOR DECISION**

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**Background**

- 1 The First Tier Tribunal received an application dated 14 February 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 6 February 2024, proposed a new rent of £858 per calendar month with effect from and including 28 April 2024. The passing rent was stated in the notice, as £720 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 it as seen from the public road (taken @ May 2022). The Property is a two bedroom mid terraced house in a terrace of 12 houses. The house is narrow with a cross staircase: It is small. The house appears to date from the 1890's. 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 and a simple double pitched main roof over the house finished in a slate covering. There is a small private rear garden and narrow driveway to the front. There are on road parking restrictions. School Lane appears narrow.
- 6 The Property was formerly, before 1991, let to the tenant's father under a regulated tenancy. From photographs of parts of the interior of the Property, provided by the tenant, the accommodation was and remains basic and appears to have changed very little since the 1990's.
- 7 The Property accommodation is on two levels. Ground level: living room kitchen, with a bathroom off the kitchen in a small back addition. There is evidence of mould growth to some walls and surfaces. The two bedrooms are upstairs. The kitchen and bathroom appear functional but basic, the latter accessed through the former. There is little or no double glazing. There is no central heating. There is no furniture, no carpets and curtains and no white goods from the landlord.

### **Representations**

- 8 Directions, dated 23 April 2024, for the progression of the case, were issued by the Tribunal's Legal Officer. Neither party requested a hearing. The tenant filed a standard Reply Form together with details supplied in their initial application form. They also made a longer statement, helpfully provided photographs of parts of the interior.
- 9 The Tribunal received no separate representations other than brief reference to the former tenancy in the landlord's notice of rent increase.
- 10 The Tribunal is grateful for and has carefully considered such written representations as it received, from parties.

## **Law**

- 11 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**

- 12 Based on the Tribunal's own general knowledge of market rent levels in Bushey and surroundings, it determines that the subject property would let on normal Assured Shorthold Tenancy (AST) terms, for £1400 per calendar month, fully fitted and in good order at the valuation date April 2024.
- 13 However the Property lacked: a modern kitchen, modern self contained bathroom, landlord's carpets, curtains and white goods. There was evidence of damp on wall surfaces to some rooms. There was no central heating, nor double glazing. The Tribunal therefore makes a substantial deduction of £630 per calendar month to reflect these deficiencies, reducing the new market rent to £770 per calendar month.
- 14 The new rent of £770 per calendar month is payable from and including the date set out in the Landlord's Notice, 28 April 2024. The landlord may charge any rent up to and including £770 pcm 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**

73 School Lane  
Bushey Herts  
WD23 1BY

**The Tribunal members were**

Mr Neil Martindale FRICS

**Landlord**

Mountview Estates plc

**Address**

**Tenant**

Mr C M Glynn

1. The rent is:£

770

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:

28 April 2024

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

Nil

Per

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

5. Date assured tenancy commenced

28 November 1991

6. Length of the term or rental period

Calendar monthly

7. Allocation of liability for repairs

Per tenancy

8. Furniture provided by landlord or superior landlord

None

**9. Description of premises**

2 storey 1890's mid terrace house, (1 of 12) narrow plot, Brick walls, slate double pitch roof. Timber single glazed DHS windows, no double glazing, no central heating, basic kitchen, basic bathroom, damp..Established but mixed residential road. Accom: 2 beds bath/wc, living room, kitchen. Front parking space & rear private garden. On road restrictions. Former Regulated Tenancy before 1991. Tenant provided white goods carpets and curtains. **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**