



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

**Case Reference** : **CAM/26UL/MNR/2024/0071**

**Property** : **33 Salisbury Hall Drive  
Hatfield AL10 9GJ**

**Applicants** : **Alison Martin (Tenant)**

**Representative** : **Chris Purchase**

**Respondent** : **Peabody Trust (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  
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 24 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 20 February 2024, proposed a new rent of £153.09 per week with effect from and including 1 April 2024. The passing rent was stated in the notice, as £120.59 per week from an earlier unspecified date.

- 3 The tenancy is an assured shorthold periodic weekly 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 @ May 2022). The Property is a one bedroom purpose built flat in a modern, perhaps 2000's, large 3 level block of similar flats.
- 5 The block is located to adjacent low and mid level blocks of similar purpose built flats, and houses, with residents parking to the off street parking areas to the rear of this block. The Property and the block in which it is located forms part of a larger established modern high density residential estate from the same period.
- 6 The external face of the walls to the block within which the Property is located appears to be of brick finish. The roof to the block appears to double pitched hipped roof of single lap concrete tiles. The windows are double glazed and there is full central heating. There are communal areas to and around the block. There is no lift.
- 7 The Property accommodation is on one level, second floor: bedroom, bathroom wc, living room, kitchen. There is said to be an outside store shed. There are no stated tenants improvements or additions.
- 8 The Property was said not to be let with any furniture, carpets, curtains, and white goods from the landlord. The tenant provides these.

### **Representations**

- 9 Directions, dated 1 May 2024, for the progression of the case, were issued by Legal Officer Alison Martin. Neither party requested a hearing. The tenant filed a standard Reply Form, together with details supplied in their initial application form.
- 10 The landlord did not complete and supply the standard Reply Form.
- 11 The Tribunal is grateful for and has carefully considered such written representations as it received, from parties.

### **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 The passing rent included an element of £14.23 per week in “fixed service charges”. The new rent proposed included a figure of £38.48 per week for this element instead. Market rents already reflect all and any service charges levied on the landlord, by a superior landlord.
- 14 Based on the Tribunal’s own general knowledge of market rent levels in Hatfield, it determines that the subject property would let on normal Assured Shorthold Tenancy (AST) terms, for £225 per week, fully fitted and in good order at the valuation date April 2024.
- 15 However the property lacked landlords provision of carpets curtains and white goods. The Tribunal therefore makes a modest deduction of £15 pw to reflect this, leaving the new market rent at £210 per week.
- 16 The new market rent of £210 per week 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 £210 per week, but is not obliged to. It may not charge a rent in excess of this figure.
- 17 Unlike most private landlords, a social landlord is often subject to other separate regulatory constraints on its ability to increase a passing rent. These may restrict their ability to increase it to the market rent here, and limit it to a figure lower than the market rent, determined above.

**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).