



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

Case Reference : **CAM/22UH/MNR/2024/0125**

Property : **235 Fencepiece Road, Chigwell,
Essex, IG7 5ER**

Applicant : **Robert Bull & Sophie Kay (Tenants)**

Representative : **None**

Respondent : **Harpreet Singh (Landlord)**

Representative : **Lawlors (Solicitors)**

Type of Application : **S.13 Housing Act 1988
Determination of a new rent**

Tribunal Members : **Mr N. Martindale FRICS**

Date and venue of Meeting : **23 September 2024
First Tier Tribunal (Eastern)
County Court Cambridge CB1 1BA**

Date of Decision : **23 September 2024**

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application dated 12 June 2024 from 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 21 May 2024, proposed a new rent of £2,300 per calendar month exclusive, with effect from and including 23 June 2024. This rent does not include other services.

- 3 The tenancy is an assured periodic calendar monthly tenancy with effect from and including 23 April 2024, originally on a fixed term from 23 April 2023, now expired. A copy was provided.
- 4 The rent payable from up to and including 22 June 2024 was £2,100 per calendar month. No furniture or services were included. The landlord provided all white goods, carpets and curtains.

Directions

- 5 Directions, dated 23 July 2024, for the progression of the case, were issued by Legal Officer Laura Lawless. Neither party asked for a hearing.

Inspection

- 6 There was no inspection. The house was viewed to its front external elevation. The boundary appeared shrouded in a tall hedge (Google Streetview August 2021). Whilst set back some way, it nevertheless fronted busy residential road.
- 7 It appeared that the Property is a traditional semi-detached house dating from the 1950's, set on 2 levels. It is at the edge of established residential areas and located across the road from a local school.
- 8 The Property has 2 double and 1 single bedroom and bathroom/WC to the first floor; 2 living rooms and kitchen to the ground floor. There is also a back addition with a second bathroom/WC and a lean-to conservatory. There is double glazing and central heating; with carpets curtains and white goods, all supplied by the landlord.
- 9 This two storey traditional house has fair face main brick walls to the front elevation. There was a double pitched tiled hipped roof with subsidiary hipped tiled roofs to the side. There was a rear garden, a front garden, driveway and single car garage integral to the house.

Tenants' and Landlord's Representations

- 10 The tenants provided written submissions via the standard Application Form, the completed standard Reply Form and a short statement. The tenant referred to the basic condition of bathroom/WC and showed photographs (2No.) of the kitchen. It appeared to be from the late 1990's; functional but dated. It was represented that there were deficiencies to both bathrooms and again whilst essentially functional, were basic and dated.
- 11 The back addition ground floor lean-to conservatory was in poor condition as represented in photographs (2No.). The tenants described the house as having two bedrooms and a study. The Tribunal concludes that the third bedroom is of the most minimal size to take a single bed; a characteristic of this house type, date and layout.

- 12 The tenants referred to specific faults at the Property. These included: *“...aged kitchen, damaged bathroom fittings (upstairs shower only produces hot water) a lack of insulation in second bathroom makes it unusable in winter months. The window fram(e)s of the conservatory are rotten and falling apart. The garage floods when it rains ...”*
- 13 The tenants referred to; *“... Properties in area of similar size and with newer fittings command rent of £2000 - £2200.”* They went on to refer the Tribunal to 4No. houses to let or let, nearby. These ranged from 1. available at £2000 pcm in North Dene, a 3 bedroom house with small garden but otherwise well fitted out; 2. available at £2250 pcm near Hainault Station, a 4 bedroom house with larger garden but otherwise well fitted out; 3. available at £2300 pcm in Knights Way, a 4 bedroom house otherwise well fitted out; 4. let at £2200 pcm in Karina Close IG7, a 3 bedroom house, of similar age but a larger kitchen.
- 14 The landlords were represented by Lawlors (Solicitors). They also provided a completed standard Reply Form. The form contained the dimensions of rooms. It referred to garden, garage, living Room, kitchen and 4 bedrooms, but there was no reference to any bathrooms. Their information confirmed the position on the landlord’s provision of central heating, double glazing, carpets, curtains and white goods. The landlord did not offer any comparable properties let or to let.
- 15 The Tribunal is grateful for such information as was provided by both parties in the application and standard Reply Forms.

Law

- 16 In accordance with the terms of S.14 of the Act we are required to determine the rent at which we consider 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 the Property to be in a reasonable internal decorative condition.

Decision

- 17 From the Tribunal’s own general knowledge of market rent levels in Chigwell and surroundings it determines that the subject property would let on normal Assured Shorthold Tenancy (AST) terms, for £2,600 per calendar month, fully fitted and in good order.
- 18 From the representations; it found however that the Property was located on a busy residential road, lacked a modern bathroom and a modern kitchen. Whilst these were perhaps functional at this Property

they were, by today's standards, basic only. Any value ascribed to the conservatory was negated by its poor condition. For these facets the Tribunal therefore makes an adjustment of £400 per calendar month. This leaves an adjusted rent of £2,200 per calendar month.

- 19 The new rent of £2,200 per calendar month is payable with effect from and including 23 June 2024. Although the landlord is not obliged to charge this new rent and may charge a significantly lower rent as a result of their own choice, policy, or governmental regulation; they may not charge more than this figure.

Chairman N Martindale FRICS

Date 23 September 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

235 Fencepiece Road
Chigwell
Essex
IG7 5ER

The Tribunal members were

Mr Neil Martindale FRICS

Landlord

Harpreet Singh

Address

Tenant

Robert Bull & Sophie Kay

1. The rent is:£

2200

Per

Calendar month

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

2. The date the decision takes effect is:

23 June 2024

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

nil

Per

*4. Service charges are variable and are not included

5. Date assured tenancy commenced

23 April 2023

6. Length of the term or rental period

periodic calendar monthly

7. Allocation of liability for repairs

per tenancy

8. Furniture provided by landlord or superior landlord

.White goods in kitchen. Carpets and curtains. All landlords.

9. Description of premises

1950's semi-detached house in fair to good condition external front elevation. Brick walls, double pitched main plain tiled roof. Front & rear garden, front off street parking drive. Landlord's full GFCH and DG windows. Accommodation on 2 levels: 2 double, 1 single bedrooms, (ff) Bath/WC; Kitchen, Living/ Dining room, (gf) Bath/Sh/WC. Single car garage, conservatory in poor condition. Bathrooms and kitchen, functional but basic.

Chairman

**Neil Martindale
FRICS**

Date of Decision

**23 September
2024**