



FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference	:	CAM/26UH/MNR/2024/0146
Property	:	12 Mildmay Road Stevenage, Herts, SG1 5TW
Applicant	:	Mohammed Uddin (Tenant)
Representative	:	None
Respondent	:	Alan Hartley (Landlord)
Representative	:	Cowling Estate Agents Ltd
Type of Application	:	Section 13(4) Housing Act 1988
Tribunal Members	:	N Martindale FRICS
Date and venue of Hearing	:	4 November 2024 First Tier Tribunal (Eastern) County Court Cambridge CB1 1BA
Date of Decision	:	4 November 2024

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application dated 11 September 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 5 August 2024, proposed a new rent of £1150 per calendar month, with effect from and including 1 October 2024. The passing rent was said to be £950 per calendar month.

- 3 The tenancy is an assured shorthold periodic monthly tenancy. A copy of the last tenancy agreement was provided.
- 4 Directions were issued 12 September 2024 by Legal Officer Laura Lawless. Neither party requested a hearing. The Tribunal does not routinely carry out inspections.
- 5 The Tribunal received an initial application. The Tribunal sent out its standard Reply Form to both landlord and tenant.
- 6 The Tribunal carefully considered and noted such representations as it received from both parties regarding the location layout size and condition of the Property and other available and let comparable properties in the location if supplied.

Property

- 7 The Property is a one bedroom ground floor flat purpose built in a short terrace of low rise block, of similar sized and constructed flats from the 1970's. The exterior finish of the walls is fair faced brick to the ground floor, vertically hung tiles to the first floor above. The roof has a low pitched single lap concrete tiled finish. The Property appears to be in fair condition externally.
- 8 Accommodation includes one bedroom, living room, kitchen, bathroom/wc, an outside ground floor store shed and use of communal grounds. There was no off road parking. The landlord provided full central heating and hot water system, double glazed window units and kitchen white goods. The floor finishes, curtains and blinds were provided by the tenant.
- 9 The Tribunal noted the presence recorded by the tenant's surveyor's report on the interior of the flat in July 2023. It was produced by K M Alderman BSc MRICS of Alderman Surveying Services thought now over a year prior to the valuation date. It set out details of some minor disrepair in the bathroom and bedroom. These appeared to stem from excess condensation, a leaking shower enclosure and poor ventilation generally. It was unclear if these minor defects had since been remedied. The Tribunal assumed that the condition of the kitchen and bathroom whilst otherwise functional was basic. The Tribunal noted the tenant's provision of carpets and curtains.
- 10 The Tribunal had regard to Google Streetview in Mildmay Road Stevenage (data capture August 2024).
- 11 Neither party referred the Tribunal to rents sought and/or obtained in comparable properties locally at or around the valuation date. The Tribunal is grateful to the parties for the completed Reply Forms and to the tenant for a copy of their 2023 survey of the Property.

Law

- 12 In accordance with the terms of S14 of the Housing Act 1988 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

- 13 Based on the Tribunal's own general knowledge of market rent levels in and around Stevenage, it determines that the subject Property would let on a normal Assured Shorthold Tenancy (AST) terms, for £1150 per calendar month, fully fitted and in good order. However it makes allowance for the merely functional nature of the kitchen and bathroom for likely minor defects and the absence of carpets and curtains, of £100 pcm. The market rent is therefore determined at £1050 pcm.
- 14 The new rent will take effect from and including 1 October 2024, the effective start date given in the landlord's Notice. The Landlord is not obliged but, may charge a rent up to but, not in excess of, £1050 pcm.

Name: N. Martindale

Date: 4 November 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

12 Mildmay Road
Stevenage
Herts SG1 5TW

The Tribunal members were

Mr N Martindale FRICS

Landlord

Alan Hartley

Address

Tenant

Mohammed Uddin

1. The rent is:£ 1050 Per pcm

2. The date the decision takes effect is:

1 October 2024

*3. The amount included for services is negligible

nil

Per

Calendar
month

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

5. Date assured tenancy commenced

1 December 2017

6. Length of the term or rental period

Calendar monthly periodic

7. Allocation of liability for repairs

Per tenancy

8. Furniture provided by landlord or superior landlord

None

9. Description of premises

Purpose Built 1 level flat ground floor c.1970 on a larger residential estate. One Bedroom, living room, kitchen, bathroom/wc full GFCH, full double glazing. Unfurnished. Assumed basic kitchen, basic shower/bathroom. Some minor disrepair. Tenant's carpets and curtains. **The Landlord is not obliged but may charge a rent up to but, not in excess of the figure shown at box 1.**

Chairman

N Martindale

Date of Decision

4 November
2024