



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

Case Reference	:	CAM/00JH/MNR/2024/0612
Property	:	106 West Street Kings Cliffe Peterborough Cambs PE8 6XH
Applicant	:	Raymond Giddings (Tenant)
Representative	:	None
Respondent	:	James Streather (Landlord)
Representative	:	None
Type of Application	:	Section 13(4) Housing Act 1988
Tribunal Members	:	N Martindale FRICS
Date and venue of Hearing (Papers only)	:	6 January 2025 First Tier Tribunal (Eastern) County Court Cambridge CB1 1BA
Date of Decision	:	6 January 2025

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application dated 21 October 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 1 October 2024, proposed a new rent of £675 per calendar month, with effect from and including 1 December 2024. The passing rent was said to be £595 per calendar month.

- 3 The tenancy is an assured shorthold periodic monthly tenancy. A copy of the last tenancy agreement was not provided. It was said to have begun in 1978 and remained an oral tenancy.
- 4 Directions were issued 23 October 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. The tenant provided measurements of the rooms.

Property

- 7 The Property was viewed externally using Google Streetview (data capture March 2023). It is a small two bedroom, two level house in a short terrace of similar houses built in the mid Nineteenth Century. The front exterior finish of the walls remains stone. The roof is double pitched, traditional slate. There have been some reported minor leaks from the roof. The Property appears to be in fair condition externally.
- 8 The house directly fronts the pavement onto the street in the rural village of Kings Cliffe. There is said to be a small rear yard and garden and access way shared with neighbouring houses. Accommodation includes two small double bedrooms and small bathroom/wc to the first floor; and a living room and small kitchen to the ground floor. From the tenants measurements the gross internal floor area is approximately 50m². For a two bedroom house, that is small. There is a small rear covered area to the rear. There was no off road parking to the front but also no apparent on street parking restrictions.
- 9 The landlord provided partial coal fired central heating and hot water. The windows are all single glazed save for the double glazed bathroom window. The tenant has replaced the kitchen three times since the start of the tenancy and the bathroom, twice. Carpets, curtains and white goods are all provided by the tenant.
- 10 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.

Law

- 11 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

- 12 Based on the Tribunal's own general knowledge of market rent levels in and around Kings Cliffe and surrounding rural villages, it determines that the subject Property would let on a normal Assured Shorthold Tenancy (AST) terms, for £975 per calendar month, fully fitted and in good order. However it makes allowance for the various shortcomings. It assumes the most basic functional bathroom and kitchen dating from 1978, the lack of carpets curtains and white goods, the virtual absence of double glazing and the limited partial coal fired central heating system. For these various limitations it makes a deduction of £300 pcm. The market rent is therefore determined at £675 pcm.
- 13 The new rent will take effect from and including 1 December 2024, the effective start date given in the landlord's Notice. The Landlord is not obliged but, may charge a rent up to though not in excess of, £675 pcm.

Name: N. Martindale

Date: 6 January 2025

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).