



FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference	:	CAM/00KC/MNR/2024/0126
Property	:	29 Cornflower Drive, Houghton Regis, Dunstable, LU5 6RZ
Applicant	:	Paul Shrimpton Karen Shrimpton (Tenants)
Representative	:	None
Respondent	:	Sigma PRS Investments (Houghton Regis) Ltd (Landlord)
Representative	:	Simple Life Homes Co. Ltd. (Agent)
Type of Application	:	S.13 Housing Act 1988 Determination of a new rent
Tribunal Member	:	Mr N. Martindale FRICS
Date and venue of Meeting	:	21 October 2024 First Tier Tribunal (Eastern) County Court Cambridge CB1 1BA
Date of Decision	:	21 October 2024

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application dated 29 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 13 June 2024, proposed a new rent of £1,630 per calendar month exclusive, with effect from and including 6 August 2024. This rent does not include other services.
- 3 The tenancy is an assured periodic calendar monthly tenancy with effect from and including 6 June 2022, originally on a fixed term from that date, now expired. A copy was provided.
- 4 The rent payable from up to and including 5 August 2024 was £1,530 per calendar month. The landlord provided carpets, window blinds and white goods. No furniture or services were included.

Directions

- 5 Directions, dated 6 August 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 and side external elevation. The house is on a modern compact plot (Google Streetview August 2020) and is set in a large modern residential estate.
- 7 It appeared that the Property is a modern end terraced house dating from around 2020, set on 3 levels, including accommodation in the roof space as built. There is off street linear parking in the road; a small garden rear; a yard at the front.
- 8 The Property has 3 bedrooms, 2 bathrooms, with a WC/whb, living room, kitchen/ diner to the ground floor. There is double glazing and central heating; with carpets and some blinds and white goods, all supplied by the landlord.
- 9 There was a double pitched plain concrete tiled roof to the front elevation. The front and side wall are of fair faced brick finish. There is a side driveway. There was no obvious garage.

Tenants' and Landlord's Representations

- 10 The tenant states that a garage is included. The landlord states that there is no garage. The Tribunal assumes that there is no garage.
- 11 The tenants provided written submissions via the standard Application Form. The tenants referred to a neighbouring house, No.31 Cornflower Drive as paying some £80pcm less (than at No.29) during 2023/24. It is unclear if the landlord is the same. This suggests that the rent set sometime in 2023 may be due for review from £1550pcm set in 2023 to a higher figure in late 2024. Neither party supplied more information.

- 12 The landlord/ landlord's agent ? Ashley Jones Operations Manager referred in their email of 8 August 2024 to the Tribunal, to a report. The report was produced by "Ascend Properties" in Monton, Manchester. It is unclear of the author's identity or of their link to the landlord or to their agent. The report is headed "*The Best Price Guide provides comparable information selected by Ascend to help establish the best market price.*" The report provides a small Google style map of the area, of the Property, of the comparables.
- 13 There are said to be 10No. comparables. Aside from property No.5 the other photographs given are identical to each other. None have specific numbered addresses. It is unclear if there are more than 4No. properties in total as the information is incomplete or whether many are almost identical homes marketed to let, over very short similar periods in 2024 when terms were agreed with new tenants.
- 14 Property No.1 'Harebell Gardens" (there are 4 comparables with this number), was to let 1 August 2024 only at £1675 pcm, now let. The agreed figure is not shown. It appears to be a very similar modern house to the Property. It has 3 bedrooms, over 3 levels, a semi-detached house, with off street parking small garden, no garage. Property No.2 with the same details, save to let 29 July to 1 August 2024 at £1675 pcm. Property No.3 the same specification, Houghton Regis, to let 28 May to 12 June 2024.
- 15 Property 1(b), the same, on offer 24 to 25 June 2024, £1650 pcm. Property No.1(c) as 1(b) but to let at £1650 pcm 4 to 12 June 2024. Property No.1(d) let on 1 day, 3 June 2024, £1650 pcm. Property No.4. to let at £1650 pcm from 12 to 26 July 2024. Property No.5 at Bank Terrace shows a different layout but otherwise a modern house with space on 2 levels, available at £1650pcm. Property No.5 to let from 4 to 5 July 2024 at £1650 pcm. Property No.6 to let from 12 to 12 June 2024 again very similar to No.1.
- 16 There were no representations about condition or fittings at the Property. The tenant had paved part of the rear garden and planted out much of the front garden both, at their expense.
- 17 The Tribunal is grateful for such information as was provided by both parties in the Application and standard Reply Forms.

Law

- 18 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

- 19 From the Tribunal's own general knowledge of market rent levels in Dunstable and surroundings it determines that the subject property would let on normal Assured Shorthold Tenancy (AST) terms, for £1,630 per calendar month, fully fitted and in good order.
- 20 From the representations; it found the Tribunal found that the Property lacked use of a single car garage though the tenants represented that it did and the landlord that it did not. The comparable evidence generally showing the absence of a garage, the Tribunal makes no separate allowance for this. This leaves an unadjusted rent of £1,630 per calendar month.
- 21 The new rent of £1,630 per calendar month is payable with effect from and including 6 August 2024. Although the landlord is not obliged to charge this new rent and some landlords 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 21 October 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

29 Cornflower Drive
Houghton Regis
Dunstable
LU5 6RZ

The Tribunal members were

Mr Neil Martindale FRICS

Landlord

Sigma PRS Investments (Houghton Regis) Ltd.

Address

Tenant

Paul & Karen Shrimpton

1. The rent is:£

1630

Per

Calendar
month

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

2. The date the decision takes effect is:

6 August 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

6 August 2022

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 blinds. All landlords.

9. Description of premises

2020's semi detached house in good condition external front/ side elevation. Brick walls, double pitched main plain tiled roof. Front yard & rear garden, front off street parking for 2 cars. Landlord's full GFCH and DG windows. Accommodation on 3 levels: 3 bedroom, 2 Bath/WC; gf WC, Kitchen/ Dining, Living room. No garage (per landlord).

Chairman

Neil Martindale
FRICS

Date of Decision

21 October 2024