



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

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| Case Reference | : | CAM/00MX/MNR/2024/0630 |
| Property | : | 68 Elstree Road, Bushey, WD23 4GL |
| Applicant | : | Sarah Stuart (Tenant) |
| Representative | : | None |
| Respondent | : | Reveley Lodge Trust (Landlord) |
| Representative | : | FW Lettings Ltd (Agent) |
| Type of Application | : | S.13 Housing Act 1988 Determination of a new rent |
| Tribunal Members | : | Mr N. Martindale FRICS |
| Date and venue of Meeting | : | 3 February 2025 First Tier Tribunal (Eastern) County Court Cambridge CB1 1BA |
| Date of Decision | : | 3 February 2025 |

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application, dated 9 November 2024, before the effective start date of the new rent sought, 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 (re-served), dated 3 October 2024, proposed a new rent of £1400 per calendar month exclusive, with effect from and including 1 December 2024. This rent does not include other services.

- 3 The tenancy is an assured periodic calendar monthly tenancy with effect from and including 9 October 2015, though the date for rent to be paid was later changed to the 1st of the calendar month. A copy was provided.
- 4 The rent payable from up to and including 8 October 2024 was £1250 per calendar month. No furniture or services were included.

Directions

- 5 Directions, dated 12 December 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 Property is a small 2 level terraced house dating from around 1900. It has a front and rear garden. (Google Streetview March 2018). There is no off-road parking. It is of traditional construction rendered walls with a double pitched slated main roof over. It is set within an old established but mixed residential area on the local through route.
- 7 The Property has 2 double bedrooms, bathroom/WC; living room, kitchen. There is double glazing and central heating. Landlord's carpets; tenants curtains and all white goods in the kitchen.

Tenants' and Landlord's Representations

- 8 The tenant provided written submissions via the Application Form and the completed standard Reply Form. The kitchen and bathroom were described by the tenant to the effect of being functional but, basic. The tenant also referred to the basic condition of the house on entry some years earlier but that they had since been decorating it. The tenant provided some 7No. photographs of the Property, most showing damp to walls at or above skirting height.
- 9 The tenant referred to rents paid on other similar houses in the terrace being the ownership of the same landlord; some being at lower rents than the figure proposed. Others were rented at higher figures but were in considerably better condition. The tenant also referred to the Landlords published annual accounts which referenced average rents obtained to the estate, being around £1350 pcm.
- 10 The landlord referred in the Rightmove "Best Price Guide" produced by their Agent, to some half dozen similar nearby two bedroom purpose built, more modern flats with otherwise similar sized accommodation. There were no houses. Rents sought for the flats to let ranged from £1500 pcm upwards to £2200 pcm.

- 11 The Tribunal is grateful for such information as was provided by both parties in the application and standard Reply Forms.

Law

- 12 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

- 13 From the Tribunal's own general knowledge of market rent levels in Bushey it determines that the subject property would let on normal Assured Shorthold Tenancy (AST) terms, for £1750 per calendar month, fully fitted and in good order.
- 14 From the representations however; it found that the Property lacked white goods and curtains; and found that whilst functional, the bathroom and kitchen were dated. There was some minor damp to walls. The Property was otherwise in good decorative order but only as a result of the tenant's work to it over the years and that would have to be ignored for the rental valuation. For these significant shortcomings the Tribunal makes a deduction of £350 pcm. The new rent will therefore be £1400 pcm with effect from 1 December 2024.
- 15 Although the landlord is not obliged to charge this 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 3 February 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).

Notice of the Tribunal Decision and Register of Rents under Assured Periodic Tenancies (Section 14 Determination)

Housing Act 1988 Section 14

Address of Premises

68 Elstree Road
Bushey
WD23 4GL

The Tribunal members were

Mr Neil Martindale FRICS

Landlord

Reveley Lodge Trust

Address

Tenant

Sarah Stuart

1. The rent is:£

1400

Per

Calendar
month

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

2. The date the decision takes effect is:

1 December 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

9 October 2015

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

None.

9. Description of premises

Edwardian terraced house. Gardens front & rear. Residential location. Double pitched slated roof, rendered brick walls. Front exterior fair condition. (Google Streetview March 2018). Landlord's GFCH & DG, carpets. Tenants carpets and white goods. Accom. 2 levels: FF 2 double Bedrooms & Bath/wc; GF 2 Living rooms, Kitchen, bath/wc. Tenant has decorated. Functional but basic kitchen and bathroom. Damp to walls and stairs.

Chairman

Neil Martindale
FRICS

Date of Decision

3 February 2025