



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

Case Reference	:	CAM/26UE/MNR/2024/0623
Property	:	64 Milton Road, Borehamwood, WD6 2BB
Applicant	:	Marjan Malekpour (Tenant)
Representative	:	None
Respondent	:	Edozie Ihekweazu & Ukaoma Ihekweazu (Landlords)
Representative	:	Elegant Property Group (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, 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 dated 21 October 2024, proposed a new rent of £2000 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 and a copy was provided.
- 4 The rent payable from 1 June 2023 when first let, up to and including 30 November 2024 was £1650 per calendar month. Landlord's white goods and wardrobes were included.

Directions

- 5 Directions, dated 13 November 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 2 level semi-detached house dating from around 1950. It has a front and rear garden. (Google Streetview June 2022). There is some communal off-road parking. It is of traditional construction rendered walls with a double pitched concrete single lap tiled roof over. It is set within an old established but mixed residential estate area of similar houses.
- 7 The Property has 3 bedrooms, bathroom/WC; living room, kitchen/diner. There is double glazing and central heating. Landlord's carpets and white goods; tenants curtains.

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. There was damp to the walls of some rooms ascribed to a large vertical crack in the flank wall visible externally, prominent at first floor level near the centre line of the house. The carpets and other flooring to most rooms was said to be in poor condition. The tenant provided a dozen of so monochrome photographs of the interior showing defects in the bathroom, to some damp areas to the walls but mainly of a variety of pest infestations and/ or their effects in the loft space. The landlord represented the Property as essentially in good order, including the carpets.
- 9 The tenant referred to rents paid on other similar houses in the area being let or available at or below £1,800 pcm to £1900 pcm. The landlord referred to similar terraced or semi-detached houses in the area being let or available at between £2,000 and £2,300 pcm.
- 10 The Tribunal is grateful for such information as was provided by both parties in the application and in the standard Reply Forms and supplementary photographs of the Property.

Law

- 11 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

- 12 From the Tribunal's own general knowledge of market rent levels in Borehamwood it determines that the subject property would let on normal Assured Shorthold Tenancy (AST) terms, for £2000 per calendar month, fully fitted and in good order.
- 13 From the representations however; the Tribunal found that the Property was in a basic condition internally from worn carpets, damp walls penetrating or otherwise, a dated kitchen and bathroom and the effects historic and current from a variety of pest infestations to the loft area. For these shortcomings the Tribunal makes a deduction of £100 pcm. The new rent will therefore be £1900 pcm with effect from 1 December 2024.
- 14 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 21 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).

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

Housing Act 1988 Section 14

Address of Premises

64 Milton Road
Borehamwood
WD6 2BB

The Tribunal members were

Mr Neil Martindale FRICS

Landlord

Edozie Ihekweazu & Ukaoma Ihekweazu

Address

Tenant

Marjan Malekpour

1. The rent is:£

1900

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

White goods, Wardrobes

9. Description of premises

Post War semi-detached house. Gardens front rear & side. Residential estate location. Double pitched concrete single lap tiled roof, rendered walls. Front exterior fair condition. (Google Streetview June 2022). Landlord's GFCH & DG, carpets, white goods. 2 levels: FF 3 Bedrooms & Bath/wc; GF Living rooms, Kitchen/ diner. Tenant has decorated, poor carpets, damp to some bed walls, roof space pest infestation. Functional but basic kitchen and bathroom.

Chairman

Neil Martindale
FRICS

Date of Decision

21 January 2025