



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

Case Reference	:	CAM/12UE/MNR/2025/0656
Property	:	14 Mallard Close Ramsey Cambridgeshire PE26 2AE
Applicant	:	Mark Watts (Tenant)
Representative	:	None
Respondent	:	Accent Housing Ltd (Landlord)
Representative	:	None
Type of Application	:	S.13 Housing Act 1988 Determination of a new rent
Tribunal Members	:	Mr N. Martindale FRICS
Date and venue of Meeting	:	2 June 2025 First Tier Tribunal (Eastern) County Court Cambridge CB1 1BA
Date of Decision	:	2 June 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 17 February 2025, proposed a new rent of £119.13 per week including an element of service charge fixed for the forthcoming

year at £13.07 per week from and including 7 April 2025. This rent does not include other services.

- 3 The tenancy is an assured periodic calendar monthly tenancy with effect from and including 6 November 2023. A copy was provided.
- 4 The rent payable from up to and including 6 April 2025 was said to be £116 per week including a fixed sum of £12.73 per week. No furniture was included. There was no information about whether the landlord provided white goods, carpets and curtains.

Directions

- 5 Directions, dated 3 April 2025 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 one bedroom, one bathroom flat with living room kitchen. It is on the ground floor of a small low rise block very recently constructed in the 2020's. There are internal and external communal gardens. Google Streetview (October 2015) does not have recent pictures of the roadway or new buildings on it, this flat being one of them, as it appears to be awaiting a digital update for this new development.

Tenants' and Landlord's Representations

- 7 The tenants provided written submissions via the Application Form and made a statement regarding services. The tenant states that he has experienced problems with two matters in the communal areas: 1. The placing of rubbish there by a neighbour and 2. The poor quality of cleaning. Both matters place an additional burden on him as tenant in that they significantly increase the fixed service charge each week.
- 8 The Tribunal has no jurisdiction to make findings on the quality or cost of services under a S.13 determination, as here, and as the service charge element of the rent he is charged is fixed rather than variable, there is no scope for the Tribunal to investigate further if a separate application were to be made under S.27 Landlord and Tenant Act 1985.
- 9 No representations were received from the landlord.
- 10 The Tribunal is grateful for such information as was provided by both parties in the application and standard Reply Forms.

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 and around Ramsey and Huntingdon, it determines that the subject property would let on normal Assured Shorthold Tenancy (AST) terms, for £150 per week including any fixed service charge fully fitted and in good order.
- 13 From the representations; it found however that the Property did suffer from mis-use of the communal areas adjacent to this ground floor flat. The fixed service charge element is payment for remedy of such by the landlord or whoever controls those spaces and remains payable in full.
- 14 The Tribunal however can consider the minor damage to the enjoyment of the Property under the rent payable. It makes a small deduction of £10 per week from the starting rental figure. The new rent will be therefore be £140 per week (which still includes in full the fixed service charge element of £13.07 pw).
- 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 27 May 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).