



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

Case Reference : **CHI/21UD/MNR/2021/0078**

Property : **139 Queens Road, Hastings, East Sussex
TN34 1RP**

Applicant : **Ms L Wallis (Tenant)**

Respondent : **Ms L Wade (Landlord) c/o Agent
Oliver and Bailey**

Date of Application : **20th July 2021**

Type of Application : **Sections 13 and 14 of the Housing Act 1988**

Tribunal : **Mr R T Brown FRICS Chairman
Mr S Hodges FRICS
Mr N Robinson FRICS**

Date : **21st September 2021**

REASONS FOR DECISION

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Background

1. The Tribunal gave formal notice of its decision by a Notice dated 21st September 2021 in the sum of **£850.00 per calendar month**.
2. By an application dated 20th July 2021, the tenant of the above property referred a notice of increase in rent served by the landlord under section 13 of the Housing Act 1988 to the Tribunal.
3. The landlord's notice dated the 15th June 2021 proposed a rent of **£850.00 pcm**, with effect from 25th July 2021, in place of the current rent of £750.00 pcm.
4. The tenancy is an assured shorthold tenancy. The tenancy agreement is in common form and commenced on 25th October 2019. The tenancy is subject to the Landlord's repairing obligations defined in Section 11 the Landlord and Tenant Act 1985.

Property and Inspection

5. Following the Directions dated 10th August 2021 and the explanation contained therein, the Tribunal did not inspect the premises.
6. Extracting such information as it could from the papers supplied to the Tribunal by the parties, by reference to information publicly available on the internet and with the benefit of its knowledge and experience the Tribunal reached **the following conclusions and found as follows:**
7. The property is located in a predominantly residential area of mixed dwellings just on the main A2101. Local amenities are available.
8. The property comprises a self contained flat.
9. The accommodation comprises: 1 reception room, 1 kitchen, 3 bedrooms, 1 bathroom.
10. Carpets, curtains and cooker are included in the Tenancy.
11. The Tribunal understands that all mains services are connected. There is gas central heating and windows are double glazed.

Hearing

12. A hearing was not requested.

Documents supplied to and considered by the Tribunal

13. Tribunal Directions dated 10th August 2021.
14. Landlord: Tribunal Reply Form and submission.
15. Tenant: Application Form, Notice of Increase, Tenancy agreement.

Landlord's Representations (summarised):

16. The Landlord's Agent says in the Reply Form:

- a) The property is a on two floors.
- b) It is gas centrally heated and double glazed. Carpets, curtains and cooker are included in the tenancy.
- c) Digital photographs of the accommodation.
- d) The boiler was replaced in March 2021 and the property newly decorated and carpeted prior to letting in 2019.
- e) The kitchen and bathroom modernised within the last 10 years.
- f) The property is located in a prime location within walking distance of town centre and mainline station. Close to Alexandra Park.
- g) If marketed today the agent would offer it at £950.00 pcm. 8 comparables are put forward at rents between £875.00 and £1,175.00 pcm.

Tenant's Representations (summarised)

17. The application form is partially completed but confirms the accommodation. The Reply form is not returned and no other representations were received from the Tenant.

The Tribunal's Deliberations

- 18. The Tribunal is required to determine the rent at which the subject property might reasonably be expected to be let in the open market by a willing Landlord under an assured tenancy. The personal circumstances of the Tenant or Landlord are not relevant to this issue.
- 19. The Tribunal found as a matter of fact that the notice of rent increase was a Notice under section 13 as prescribed by Statute.
- 20. The Tribunal checked the National Energy Performance Register and noted that the subject property has a certificate registering the property at C expiring on 9th September 2031. The legal minimum standard for letting a property is Rating E.
- 21. Based on the knowledge of its members, the Tribunal finds that the market for this type of property is very sensitive to condition and inventory. The subject property appears to the Tribunal to be in condition that would appeal to a prospective tenant.
- 22. The Tribunal, acting as an expert tribunal, determined what rent the landlord could reasonably be expected to obtain for the subject property in the open market if it were let today in the condition and subject to the terms of such a tenancy that is considered usual for such an open market letting. It did this by having regard to the evidence supplied by the parties and the Tribunal's own

general knowledge of market rent levels. Having done so, it concluded that such a likely market rent for a similar modernised property in fair condition with central heating, modern bathroom and kitchen facilities, floor coverings, curtains, cooker and an EPC Rating above F would be **£850.00 pcm**.

23. Accordingly the Tribunal determined that the market rent for the subject property is **£850.00 pcm**.
24. The rent will take effect from 25th July 2021 being the date specified by the landlord in the notice of increase.

Relevant Law

25. Sections 13 and 14 of the Housing Act 1988.
26. Assured Tenancies and Agricultural Occupancies (Forms) (England) Regulations 2015 (SI 2015 No.620)

RIGHTS OF APPEAL

1. A person wishing to appeal this decision (on a point of law only) to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case. Where possible you should send your application for permission to appeal by email to rpsouthern@justice.gov.uk as this will enable the First-tier Tribunal Regional office to deal with it more efficiently.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.