



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

Case Reference : **CHI/29UM/MNR/2021/0001**

Property : **7 Fairview Road, Sittingbourne, Kent
ME10 4TH**

Applicant : **V Kolev and M Kamenova
(Tenants)**

Respondent : **P A and D P Cartwright (Landlord)**

Date of Application : **Received 27th November 2020**

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

Tribunal : **Mr R T Brown FRICS Chairman
Ms C D Barton BSc MRICS
Mr S Hodges FRICS**

Date : **29th April 2021**

REASONS FOR DECISION

Background

1. The Tribunal gave formal notice of its decision by a Notice dated 29th April 2021 in the sum of **£975.00 per calendar month (pcm)**.
2. By an application received on 27th November 2020, the tenants 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 29th October 2020 proposed a rent of **£975.00 pcm**, with effect from 30th November 2020, in place of the current rent of £800.00 pcm.
4. The tenancy is an assured shorthold tenancy which is believed to have commenced on the 21st May 2012. A document, signed by the Tenants, has been provided to the Tribunal dated 1st September 2015 however it is not legible apart from signatures and a reference to a rent of £700.00 pcm. In any event 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 3rd March 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 within a mature residential estate close to the town centre.
8. The property comprises a mid terrace house.
9. The accommodation comprises: 1 reception room, kitchen, 3 bedrooms and bathroom. Outside: garden, shed and off street parking.
10. The property is let unfurnished but excludes carpets, curtains and white goods which have been provided by the Tenant.
11. No specific information was provided to the Tribunal with regard to the supply of utilities. In the absence of any other information the Tribunal has assumed that mains, water, gas and electricity to be connected. Central heating.

Hearing

12. A hearing was not requested.

Documents supplied to and considered by the Tribunal

13. Tribunal Directions dated 18th March 2021.
14. Landlord: Tribunal Reply Form and link to Rightmove.

15. Tenant: Application.
16. Tenancy Agreement (incomplete).

Landlord's Representations

17. The Landlord says in the Reply Form:
18. Installed a new boiler and repaired guttering.
19. Allowed the tenant a rebate of £100.00 pcm for 6 months to cover the cost of new front door installed by the Tenant.
20. Dripping tap causing the units to deteriorate.
21. Patio door needs replacing.
22. There is a commuter coach to London stopping at the end of the road, the railway station is 1/2 mile away with a direct link to Central London. Primary and secondary schools are 5 minutes away.
23. In support of the proposed rent the Landlord provided a link to Rightmove detailing properties available to rent in Sittingbourne.

Tenant's Representations

24. In the Application the tenant states that:
25. They have replaced the front door, all the carpets and replaced part of the rear garden fence.

The Tribunal's Deliberations

26. The Tribunal may proceed to determine the rent at which it considers the subject property might reasonably be expected to let on the open market by a willing landlord under an assured tenancy.
27. The Tribunal found as a matter of fact that the notice was a Notice under section 13 as prescribed by Statute.
28. 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.
29. The Tribunal checked the National Energy Performance Register and noted that the subject property has a certificate which expired 12th December 2019 with a Rating of C . The minimum level for legally letting a property is E.
30. 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

satisfactory condition and would prove attractive if offered on the market at the present time.

31. The Tribunal considered the evidence supplied by the Landlord and the link to Rightmove. However no attempt had been made to compare those asking rents to the subject property. In such circumstances the Tribunal relies on its own knowledge and information available to it on the internet.
32. Despite the issue of Directions the Tenant provided no rental evidence in support of their application. The Landlord suggested that the case should be dismissed. The Procedural Chairman declined to dismiss the case. The Tenant sent an email to the Tribunal on 11th April 2021. The Tribunal issued Order 1 on 16th April 2021 with a response date of 19th April. In the circumstances the Tribunal declined to admit the Tenants email of the 11th April as it was out of time despite being given the opportunity to rectify the situation.
33. The Tribunal, after careful consideration of the current market conditions concluded that in good condition commensurate with the current market the rent would be £1,050.00 pcm. However the Tenant in this case has replaced the carpets and provided white goods. Taking this into account and the apparent condition of the subject property, the Tribunal determined that the market rent for the subject property is **£975.00 pcm.**
34. The rent will take effect from 30th November 2020 being the date specified by the landlord in the notice of increase.

Relevant Law

35. Sections 13 and 14 of the Housing Act 1988.
36. 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