



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

Case Reference : **CHI/45UC/MNR/2021/0134**

Property : **Flat 1, 73 Bayford Road, Littlehampton,
West Sussex, BN17 5HN**

Applicant : **Mr S Clarke (Tenant)**

Respondent : **Ms L Strukelj (Landlord) C/o Pier
Lettings**

Date of Application : **1st November 2021**

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

Tribunal : **Mr R T Brown FRICS Chairman
Mr N Robinson FRICS
Mr M J F Donaldson FRICS MCI Arb
MAE**

Date : **21st January 2022**

REASONS FOR DECISION

Background

1. The Tribunal gave formal notice of its decision by a Notice dated 21st January 2022 will be **£500.00 per calendar month (pcm)** with effect from 18th November 2021.
2. By an application dated 1st November 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 1st October 2021 proposed a rent of **£500.00 pcm** with effect from 28th November 2021, in place of the current rent of £450.00 pcm.
4. The tenancy is an assured shorthold tenancy. The tenancy agreement is in common form and is dated 1st September 2009. 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 23rd December 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 residential area.
8. The property comprises a Ground Floor double glazed studio flat in a converted house.
9. The accommodation comprises: Studio, kitchen, bathroom and W.C.
10. The property is let part furnished: Carpets, curtains, cooker and fridge.
11. The Tribunal assumed that all mains services (except gas) are connected.

Hearing

12. A hearing was not requested.

Documents supplied to and considered by the Tribunal

13. Tribunal Directions dated 23rd December 2021.
14. Landlord: Tribunal Reply Form.
15. Tenant: Application and Reply Forms, Notice of Increase and Tenancy Agreement.

Landlord's Representations (summarised):

16. The Landlord says in the Reply Form and attachments:
- a) New electric storage heating installed in 2021 but the electrical upgrade has not been connected as the Tenant will not allow access.
 - b) Local properties of similar size are letting for more than the proposed rent.

Tenant's Representations (summarised)

17. The Tenant says in the Application and Reply Forms:
- a) The bathroom fittings are decades old. The shower unit is rotten and the fan broken.
 - b) Broken door to kitchen cupboard.
 - c) Broken floor boards in Bedroom.
 - d) The flat is not fit for purpose as it is in very poor condition.
18. Photographs are referred to as 'attached' but were not included with the Reply Form.

The Tribunal's Deliberations

19. The Tribunal found as a matter of fact that the notice was a Notice under section 13 as prescribed by Statute.
20. 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.
21. The Tribunal checked the National Energy Performance Register and noted that the subject property has a certificate registering the property at D expiring on 2nd September 2030. The legal minimum standard for letting a property is rating E.
22. 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.
23. 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 modern central heating, modern bathroom and kitchen facilities, floor coverings, cooker, washing machine and an EPC Rating above F would be **£550.00 pcm.**
24. The Tribunal, after careful consideration of the current market conditions and the apparent condition of the subject property) **determined to make a deduction in respect of issues identified by the Tenant:**
- a) General disrepair: £50.00.

25. Accordingly the Tribunal determined that the market rent for the subject property is **£500.00 pcm.**
26. The rent will take effect from 28th November 2021 being the date specified by the landlord in the notice of increase.

Relevant Law

27. Sections 13 and 14 of the Housing Act 1988.
28. 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.