



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

Case Reference : **CHI/00ML/MNR/2021/0102**

Property : **Flat 4, 70 Brunswick Place, Hove, BN3 1NB**

Applicant : **Mr C Woodrow (Tenant).**

Respondent : **Shermond Holdings Inc, C/o
Town and City Residential Ltd
(Landlord).**

Date of Application : **26th August 2021**

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

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

Date : **26th October 2021**

REASONS FOR DECISION

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Background

1. The Tribunal gave formal notice of its decision by a Notice dated 26th October 2021 in the sum of **£725.00 per calendar month (pcm)**.
2. By an application dated 26th August 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 23rd August 2021 proposed a rent of **£950.00 pcm**, with effect from 11th October 2021, in place of the current rent of £725.00 pcm.
4. The tenancy is an assured shorthold tenancy. The current tenancy agreement is in common form and commenced on 7th December 2000 however the Tribunal is informed by the Tenant that the original tenancy commenced on 11th June 1996. 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 8th September 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 converted flat in a terraced house. Permit parking.
9. The accommodation comprises: Ground Floor: Hall, 1 reception room, First Floor: kitchen, 1 bedroom and bathroom.
10. Carpets, curtains and cooker.
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 8th September 2021.
14. Landlord: Tribunal Reply Form.
15. Tenant: Application Form and Reply Forms, photographs.

Landlord's Representations (summarised):

16. The Landlord says in the Reply Form:

- a) The Tenant mentions grants for double glazing and central heating. The Landlord has no knowledge of these matters.
- b) £950.00 pcm is considered to be a modest rent for this location.
- c) The Landlord provides comparables of local 1 bedroom flats at rents ranging from £850.00 pcm to £1,250.00 pcm
- d) In particular the Landlord draws attention to Flat 2, 7 Brunswick Road a similar property but 'open plan living kitchen area'. Tenancy commenced on 2nd April 2019 at £1,025.00 pcm.

Tenant's Representations (summarised)

17. In the Application and Reply Forms the Tenant says:

- a) In a request for a case management order dated 16th October 2021 the Tenant says the Tenancy commenced on 11th June 1996 and the current rent is £725.00 pcm not £750.00 pcm
- b) A survey was carried out on 17th January 2019 following a report of damp/mould growth. Secondary glazing was installed in May 2021. This is the only work of improvement to the flat in 26 years.
- c) There are no cupboards in the kitchen. No washing machine plugged in.
- d) Disrepair (see photographs) includes: Damp/condensation on North facing wall, worn carpets, loose floorboards, cracked toilet pan, cracks in walls throughout the property, holes in plaster, rotten window frames, cracked window pane in living room, mould in bedroom cupboards and outdated expensive electric storage radiators.
- e) The Landlord is constantly in breach of Section 11 Landlord and Tenant Act 1985.
- f) The current Landlord has visited twice and a surveyor visited on 21st September but did not appear to acknowledge the issues.

18. No specific representations are made about the level of rent proposed by the Landlord and the Tenant has submitted no comparable evidence.

The Tribunal's Deliberations

- 19. 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.
- 20. The Tribunal found as a matter of fact that the notice was a Notice under section 13 as prescribed by Statute.
- 21. 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.
- 22. The Tribunal checked the National Energy Performance Register and noted that the subject property has a certificate registering the property at E expiring on 28th September 2031. The legal minimum standard for letting a property is rating E.
- 23. 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 such a poor condition that would be unlikely to appeal to a prospective tenant.

24. 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 **£900.00 pcm.**
25. The Tribunal, after careful consideration of the current market conditions and the apparent condition of the subject property, made the following deductions:
 - a) Lack of fridge, washing machine, curtains, £25.00.
 - b) General disrepair (as detailed above in the photographs provided by the Tenant), dated bathroom and kitchen £150.00.
26. A total deduction of £175.00.
27. Accordingly the Tribunal determined that the market rent for the subject property is **£725.00 pcm.**
28. The rent will take effect from 11th October 2021 being the date specified by the landlord in the notice of increase.

Relevant Law

29. Sections 13 and 14 of the Housing Act 1988.
30. 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