



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

Case Reference : **CHI/21UG/MNR/2021/0008**

Property : **Barline Farmhouse, Starvecrow Lane,
Peasmarsh, Rye, East Sussex, TN31
6XL**

Applicant : **Caroline and Dennis Guise
(Tenants)**

Respondent : **Alessandro Cockman (landlord) c/o
Landlord Action**

Date of Application : **21st January 2021**

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 J Reichel BSc MRICS**

Date : **26th March 2021**

REASONS FOR DECISION

Background

1. The Tribunal gave formal notice of its decision by a Notice dated 26th March 2021 in the sum of **£3,850.00 per calendar month (pcm)**.
2. By an application dated 21st January 2021, 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 21st December 2020 proposed a rent of **£3,650.00 pcm**, with effect from 3rd February 2021, in place of the current rent of £3,225.00 pcm.
4. The tenancy is an assured shorthold tenancy. The tenancy agreement for a term of 12 months is dated the 3rd July 2018 commenced on the same date. The tenancy is in the standard form for this type of tenancy and 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 16th February 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 the village of Peasmarsh to the North West of Rye in East Sussex. Trains are available from Rye to London.
8. The property comprises a detached farmhouse. The original two up two down 16th century house has been extended and improved to include double glazing and modern kitchen and bathroom fittings.
9. The accommodation comprises: 3 reception rooms, large kitchen, four bedrooms (two en suite) and separate bathroom.
10. Included in the tenancy are carpets, curtains and white goods.
11. There are gardens extending to 1.45 acres including pond, summerhouse and 150 cubic metres of storage in the landlord's barn. Off road parking.
12. 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 and electricity to be connected. Oil fired central heating
13. Drainage is to a septic tank.

Hearing

14. A hearing was not requested.

Documents supplied to and considered by the Tribunal

15. Tribunal Directions dated 23rd February 2021.
16. Landlord: Tribunal Reply Form and representations.
17. Tenant: Application Form.
18. Tenancy Agreement

Landlord's Representations

19. The Landlord says in the Reply Form and witness statement (summarised):
20. The tenants have been in occupation under a series of agreements for the past seven years.
21. The entire property was renovated inside and out to a high standard with bespoke curtains and blinds. Period features include 3 inglenook fireplaces . High quality stone and oak flooring with underfloor heating to most rooms. High quality fixtures and fittings
22. The property dates back to the 16th century.
23. In support of the proposed rent two professional valuations were produced

Jago and Jago £3,700.00 to £3,750.00 pcm

Weald Property £3,850.00 pcm.
24. As pointed out by Jago and Jago the property is within easy reach of London and rents for such properties have been increasing rapidly over the last year.

Tenant's Representations

25. In the application form the tenant states that the increase is unfair but produces no evidence to support a different rental figure to that proposed by the Landlord.
26. No statement of case was presented by the Tenant.

The Tribunal's Deliberations

27. 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.
28. The Tribunal found as a matter of fact that the notice was a Notice under section 13 as prescribed by Statute.

29. The Tribunal comments that the issues raised relating to rental payments or the Landlord's desire for possession are not relevant to this determination and accordingly not mentioned.
30. 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.
31. The Tribunal checked the National Energy Performance Register and noted that the subject property has a certificate expiring on 31st May 2029 with a Rating of C. This is well above the legal minimum standard of rating E.
32. 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 very good condition and would prove attractive if offered on the market at the present time.
33. It was not clear to the Tribunal, no inventory being attached to the tenancy agreement, whether any of the furnishings (other than those mentioned) are included in the Tenancy. The Tribunal has assumed such items belong to the Tenant.
34. The Tribunal considered the professional evidence supplied by the Landlord. It noted that there was no immediately available comparable evidence but is aware of the demand for this type of property within easy reach of London and the effect that the current pandemic has had on families wishing to move out of London. Bearing these factors in mind and the lack of available evidence the Tribunal preferred the approach of Weald Property.
35. The Tribunal, after careful consideration of the current market conditions and the apparent condition of the subject property, determined that the market rent for the subject property is **£3,850.00 pcm.**
36. The rent will take effect from 3rd February 2021 being the date specified by the landlord in the notice of increase.

Relevant Law

37. Sections 13 and 14 of the Housing Act 1988.
38. 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