



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

Case Reference : **CHI/43UB/MNR/2021/0088**

Property : **73b The Terrace, Walton on Thames,
Surrey KT12 2SW**

Applicant : **K Mooneeram (Tenant)**

Respondent : **A Wildish (Landlord)**

Date of Application : **29th July 2021**

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

Tribunal : **Mr R T Brown FRICS Chairman
Mr J Reichel BSc MRICS
Mr M Ayres FRICS**

Date : **29th September 2021**

REASONS FOR DECISION

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Background

1. The Tribunal gave formal notice of its decision by a Notice dated 29th September 2021 in the sum of **£775.00 per calendar month**.
2. By an application dated 29th 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 14th June 2021 proposed a rent of **£825.00 pcm**, with effect from 1st August 2021, in place of the current rent of £775.00 pcm.
4. The tenancy is an assured shorthold tenancy. The tenancy agreement is in common form and commenced on 1st November 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 19th 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 **found as follows:**
7. The property is located in a busy mixed use area fronting the busy main A3050 road. The garden backs on a car repair garage. Local amenities are available.
8. The property comprises a self contained ground floor flat.
9. The accommodation comprises: 1 living room, 1 bedroom, kitchen and bathroom. Outside rear garden.
10. Carpets , curtains, washing machine, fridge and cooker are included in the Tenancy.
11. The Tribunal understands that all mains services, except gas, are connected. There is central heating and double glazing.

Hearing

12. A hearing was not requested.

Documents supplied to and considered by the Tribunal

13. Tribunal Directions dated 19th August 2021.
14. Landlord: Nothing.
15. Tenant: Application and Reply Form, Notice of Increase, Tenancy agreement,

Landlord's Representations (summarised):

16. The Landlord makes no representations.

Tenant's Representations (summarised):

17. The Tenant says in the application and reply form:

- a) Various works have been completed by the Landlord through his agent: rear garden fence, leak from flat above, repairs to: kitchen sink tap, replacement cooker hood, and external waste pipe.
- b) The property is a ground floor conversion in a victorian building.
- c) The carpets, wall coverings, curtains and blind have all been in place prior to my tenancy as indicated by cigarette burns and stains.
- d) The kitchen fittings are old, poorly fitted and require resealing. Ceiling plaster is hanging down over the hob. The leak short circuited the electricity and flooded the kitchen.
- e) The bathroom fittings are badly fitted and worn, wall tiles are loose with grout missing.
- f) The boiler and thermostat are old and do not work properly.
- g) The thermal efficiency of the property is poor as it is only partially double glazed.
- h) Comparables are included at rents ranging from £700.00 to £900.00 pcm. The Tenant proposes £775.00 pcm.

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 has a certificate rating the property's energy performance at E expiring on 10th February 2026. 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 not 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 **£900.00 pcm.**

23. The Tribunal, after careful consideration of the current market conditions and the apparent condition of the subject property determined that the condition of the flat is below the standard that would usually be expected for a property of this type and makes the following deductions to reflect these matters:
 - a) Matters of disrepair itemised by the Tenant and evidenced in the photographs worn carpets and curtains £50.00 pcm.
 - b) Lack of modernisation to kitchen and bathroom £50.00 pcm.
 - c) Lack of modern central heating system £25.00 pcm.
24. This equates to a total deduction of £125.00 pcm.
25. Accordingly the Tribunal determined that the market rent for the subject property is **£775.00 pcm.**
26. The rent will take effect from 1st August 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.