



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

Case Reference : **CHI/45UB/MNR/2021/0069**

Property : **48A Fetherston Road, Lancing, West
Sussex, BN15 9RH**

Applicant : **Ms R Miles (Tenant)**

Respondent : **Mr L Page (Landlord)**

Date of Application : **25th June 2021**

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

Tribunal : **Mr R T Brown FRICS Chairman
Mr M C Woodrow MRICS**

Date : **20th August 2021**

REASONS FOR DECISION

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Background

1. The Tribunal gave formal notice of its decision by a Notice dated 20th August 2021 in the sum of **£675.00 per calendar month**.
2. By an application dated 25th June 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 11th May 2021 proposed a rent of **£700.00 pcm.** with effect from 7th July 2021, in place of the current rent of £575.00 pcm.
4. The tenancy is an assured shorthold tenancy. The tenancy agreement is in common form and commenced on 7th 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 15th July 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 predominantly residential area of mixed dwellings just to the south of the main A27. Local amenities are available.
8. The property comprises a self contained first floor flat forming part of a two storey semi-detached house converted into two units.
9. The accommodation comprises: 1 reception room, kitchen, 1 bedroom, bathroom and separate w.c. Outside: garden and off street parking.
10. Carpets and cooker are included in the Tenancy.
11. The Tribunal is informed that all mains services are connected. There is gas central heating and windows are double glazed.

Hearing

12. A hearing was not requested.

Documents supplied to and considered by the Tribunal

13. Tribunal Directions dated 15th July 2021.
14. Landlord: Tribunal Reply Form and submission.
15. Tenant: Application Form, Notice of Increase, Tenancy agreement, Copy of an Improvement Notice from the local authority, Reply Form and submission.

Landlord's Representations (summarised):

16. The Landlord says in the Reply Form:
 - a) Bathroom and Kitchen in good condition at commencement of tenancy.
 - b) Bus stop 1 minute away and train station 20 minute walk.
 - c) Comparable evidence shows the rent proposed to be below the market.

17. In the Submissions, he adds:

- a) No repair issues were reported to the Landlord or the agent.
- b) The intention in serving notice to quit was to re-convert the property into a single dwelling.
- c) The rent increase was served after discussion with the agent and is in line with the market.
- d) Photographs and brief details of other properties available to let at rents between £725.00 and £800.00 pcm are included.

Tenant's Representations (summarised)

18. In the Reply Form and statement the tenant states:

- a) The property was not converted properly into a HMO leaving one electricity meter serving both flats.
- b) No mechanical extraction in kitchen and bathroom.
- c) No door to kitchen
- d) Plastic fillet to window broken and damaged lino are difficult to clean.
- e) No hand basin in w.c.
- f) Threshold bar to w.c. has exposed teeth.
- g) No handrail to stairs.
- h) Windows have low cills and no opening limiters.
- i) No sound proofing.
- j) If the flat were in good repair and the works in the Notice completed then the flat would be worth the rent proposed.

19. In the Notice served by Adur and Worthing Councils under Section 12 (Improvement Notices) of the Housing Act 2004 on the 25th June 2021 the following are identified:

- a) No Mechanical extraction in kitchen or bathroom. No door to kitchen.
- b) Broken window fillet and loose lino.
- c) No wash hand basin in WC.
- d) Loose floorboards to Kitchen and bedroom. Exposed threshold bar to the WC and loose lino in kitchen.
- e) No handrail to stairs.
- f) Low cills with no window limiters.
- g) Electrical supply is shared and the circuit board is fitted with wired fuses.
- h) Inside key to front door could impede escape in the event of fire and mains powered smoke detection head missing on the landing.

The Tribunal's Deliberations

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 found as a matter of fact that the notice of rent increase was a Notice under section 13 as prescribed by Statute.

22. The Tribunal checked the National Energy Performance Register and noted that the subject property (marked as 48 not 48a) has a certificate registering the

property at D expiring on 17th April 2029. 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 condition that might not immediately 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 central heating, modern bathroom and kitchen facilities, floor coverings, curtains, all white goods and an EPC Rating above F would be **£725.00 pcm.**
25. The Tribunal, after careful consideration of the current market conditions and the apparent condition of the subject property as indicated by the Notice issued by Adur and Worthing Councils, determine that the flat is below the standard that would usually be expected for a property of this type and make a deduction of £50.00 to reflect both this and the limited white goods provided.
26. Accordingly the Tribunal determined that the market rent for the subject property is **£675.00 pcm.**
27. The rent will take effect from 7th July 2021 being the date specified by the landlord in the notice of increase.

Relevant Law

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