



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

Case Reference : **CHI/29UG/MNR/2021/0029**

Property : **21 High Street, Northfleet, Gravesend,
Kent DA11 9EZ.**

Applicant : **Miss S Cooper (Tenant)**

Respondent : **Gurjit Singh and Tajinder Singh
(Landlords)**

Representative : **Helen Baker Solicitor**

Date of Application : **12th March 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 Hodges FRICS**

Date : **17th May 2021**

REASONS FOR DECISION

Background

1. The Tribunal gave formal notice of its decision by a Notice dated 17th May 2021 in the sum of **£800.00 per calendar month (pcm)**.
2. By an application received on 12th March 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 February 2021 proposed a rent of **£1,050.00 pcm**, with effect from 26th March 2021, in place of the current rent of £700.00 pcm.
4. The tenancy is an assured shorthold tenancy which commenced on the 26th February 1996. The agreement is in standard form and in any event 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 12th April 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 on a busy road in a well established commercial and residential location.
8. The property comprises a double glazed centrally heated end terrace house.
9. The accommodation comprises: 2 reception rooms, kitchen, 3 bedrooms, bathroom and lean-to sunroom. Outside: gardens.
10. The property is let unfurnished with white goods and carpets provided by the Tenant.
11. 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, gas and electricity are connected.

Hearing

12. A hearing was not requested.

Documents supplied to and considered by the Tribunal

13. Tribunal Directions dated 12th April 2021.
14. Following the further Directions the following information was considered by the Tribunal:

15. Tenant: Application, Reply Form and Statement.
16. Landlord: Statement.
17. Tenancy Agreement and Notice of Increase.

Landlord's Representations

18. The Landlord says (in summary) that:
19. The last increase in rent was to £700.00 pcm with effect from 1st April 2009.
20. Since October 2020 the Landlords have carried out the following work: cut down tree, repaired footpath, replaced radiator, repaired bathroom and kitchen ceiling, fixed conservatory roof, replaced bathroom light and carried out electrical inspection.
21. The Landlord refers to a Best Price Guide prepared by their agent Pro Estates which concludes that the property could achieve a rent of £1,150.00 to 1,250.00 pcm.
22. The proposed rent reflects the following: No increase since 2009, spacious accommodation and garden, no garage or off street parking, no modernisation since the kitchen in 2007, within walking distance of Ebbsfleet and Northfleet Railway stations. Gravesend town centre is 5 minutes drive and Bluewater shopping centre 10 minutes drive.

Tenant's Representations

23. The tenant states (in summary) that:
24. She has been a tenant for 25 years.
25. The boiler was replaced in 2006 of the 10 radiators 6 are more than 25 years old.
26. Heating pipework to the lean-to runs across the doorway to the kitchen just above the floor level.
27. The kitchen units were replaced in 2006.
28. The third bedroom measures only 42 square feet (below the minimum guideline of 70 square feet).
29. The property is affected by football fans attending Ebbsfleet football matches, is next to a motor bike repair shop, and a builders merchant and is on a very busy main road. There is a public house on the opposite side of the road.
30. The Landlord's comparable properties are not comparable. Besides the obvious difference in condition, they have 3 bedrooms, are situated on quiet roads and are not near commercial premises.

31. Repairs carried out by the Tenant include: back gate and fencing, tree maintenance, security light, drain cover, landscaping, kitchen safety light, faulty light and plug sockets replaced, repair bathroom ceiling and tiling, shower installed, replace bathroom taps, repair floor in bedroom 3, replace front gate and airbrick, ceiling fans installed, back door security lock repaired, pest control and mouse proofing.
32. The proposed rent is not a true reflection of the rental value. Taking into account the information the Tenant has provided the rent should be 20.00% less than that proposed i.e. £750.00 pcm.

The Tribunal's Deliberations

33. 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.
34. The Tribunal found as a matter of fact that the notice was a Notice under section 13 as prescribed by Statute.
35. 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.
36. The Tribunal checked the National Energy Performance Register and noted that the subject property has a certificate expiring on 28th July 2028 with a Rating of D . The minimum level for legally letting a property is E.
37. 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 a generally satisfactory condition.
38. The Tribunal considered the evidence supplied by the Landlord and the Tenant and came to the following conclusions:
 - a) The works proposed to be carried out by the landlords are ignored for the purpose of determining the market rent with effect from 26th march 2021.
 - b) The Electrical Installation Condition Report (EICR) dated 7th October 2020 describes the electrics as satisfactory however it also highlights a number of issues which require attention.
 - c) A Gas Safety Report, dated 21st March 2021, indicates the system is safe to use although it does identify some issues.
39. In these circumstances in order to consider the matter within the terms of Rule 3 of The Tribunal Procedure (First -tier) (Property Chamber)

Rules 2013 the Tribunal relies on the experience and knowledge of its members.

40. After careful consideration of the current market conditions the Tribunal concluded that in good condition, but taking into account the disadvantaged location the current market rent would be £1000.00 pcm. However the Tribunal in this case considers deductions should be made to reflect the differences in the subject property and the market norm. In particular the tired internal condition, poor lean to, dated kitchen and bathroom, lack of white goods and floor coverings should be taken into account. The Tribunal therefore determined that following such deductions the market rent for the subject property is **£800.00 pcm**.
41. The rent will take effect from 26th March 2021 being the date specified by the landlord in the notice of increase.

Relevant Law

42. Sections 13 and 14 of the Housing Act 1988.
43. 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.

The Tribunal Procedure (First -tier) (Property Chamber) Rules 2013

Overriding objective and parties' obligation to co-operate with the Tribunal

3.-(1) The overriding objective of these Rules is to enable the Tribunal to deal with cases fairly and justly.

(2) Dealing with a case fairly and justly includes-

(a) dealing with the case in ways which are proportionate to the importance of the case, the complexity of the issues, the anticipated costs and the resources of the parties and of the Tribunal;

(b) avoiding unnecessary formality and seeking flexibility in the proceedings;

(c) ensuring, so far as practicable, that the parties are able to participate fully in the proceedings;

(d) using any special expertise of the Tribunal effectively; and

(e) avoiding delay, so far as compatible with proper consideration of the issues.

(3) The Tribunal must seek to give effect to the overriding objective when it-

(a) exercises any power under these Rules; or

(b) interprets any rule or practice direction.

(4) Parties must-

(a) help the Tribunal to further the overriding objective; and

(b) co-operate with the Tribunal generally.