



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

Case Reference : **CHI/29UM/MNR/2021/0061**

Property : **21 Acorn Street, Sheerness, Kent, ME12 2ST**

Applicant : **Ms M Kettle**

Respondent : **Ms L Brookes**

Date of Application : **10th June 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 C Davies FRICS**

Date : **30th July 2021**

REASONS FOR DECISION

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Background

1. The Tribunal gave formal notice of its decision by a Notice dated 30th July 2021 in the sum of **£680.00 per calendar month**.
2. By an application dated 10th 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 28th May 2021 proposed a rent of **£720.00 pcm**, with effect from 28th June 2021, in place of the current rent of £695.00 pcm.
4. The tenancy is an assured shorthold tenancy. The tenancy agreement is in common form and commenced on 28th February 2015. 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 29th June 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 (including the previous Tribunal determination), 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 in close proximity to local shops.
8. The property comprises a double glazed terrace house with central heating.
9. The accommodation comprises: 2 reception rooms and kitchen, 2 bedrooms, bathroom and w.c. Outside: garden and street parking.
10. Carpets and curtains are included in the Tenancy.
11. The Tribunal is informed that all mains services are connected.

Hearing

12. A hearing was not requested.

Documents supplied to and considered by the Tribunal

13. Tribunal Directions dated 29th June 2021.
14. Landlord: Tribunal Reply Form.
15. Tenant: Application Form, Notice of Increase and Reply Form.

Landlord's Representations (summarised):

16. The Landlord says in the Reply Form:

- a) A new kitchen, bathroom, laminated flooring, carpets, curtains and boiler installed in 2016.
- b) New front and back doors, some windows and roof repairs in 2021.
- c) Acorn Street is a 2 minute walk from the town with local services and transport.
- d) The proposed rental for a 2 bedroom terraced house with secluded garden is £720.00 pcm.
- e) A copy of the current Gas Safety Report (dated 6th June 2020) is attached to the Reply Form together with photographs showing: CO2 and smoke alarms together with evidence of repairs carried out.

Tenant's Representations (summarised)

- 17. In the Application Form the tenant states:
 - a) She has fixed polystyrene sheets on the walls in the front and rear bedrooms to prevent damage to furniture.
- 18. In a series of emails sent to the Tribunal the Tenant includes photographs which show the following lack of repair:
 - a) Widespread damp internally.
 - b) Poor ventilation.
 - c) Poor external repair particularly to render on rear projection.
 - d) Poor flat roof and chimney pointing and detailing.
 - e) Basic kitchen, small with free standing cooker.
- 19. No representations are made about the level of the rent proposed by the Landlord.

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 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 has a certificate registering the property at E expiring on 10th June 2028. 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 and an EPC Rating above F would be **£800.00 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) Poor external repair: £50.00
 - b) Internal damp: £50.00
 - d) Basic kitchen: £20.00
26. A total deduction of £120.00.
27. Accordingly, the Tribunal determined that the market rent for the subject property is **£680.00 pcm**.
28. The rent will take effect from 28th June 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