



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

Case reference : **CAM/00MG/MNR/2020/0036**

HMCTS code (paper, video, audio) : **P: PAPERREMOTE**

Property : **128 Caspian Way, Purfleet, Essex
RM19 1LF**

Applicant : **Adewale Odusanya and Tola
Adepegba**

Representative : **In Person**

Respondent : **Syed Rizwan**

Representative : **In person**

Type of application : **Market Rent under s13 & 14 of the
Housing Act 1988**

Tribunal member(s) : **Tribunal Judge Dutton
Mr D Barnden MRICS**

Date of decision : **8 March 2021**

DECISION

Covid-19 pandemic: description of hearing

This has been a remote hearing on the papers which was not objected to by the parties. The form of remote hearing was P:PAPERREMOTE. A face-to-face

hearing was not held because all issues could be determined on paper. The documents that we were referred to are in a bundle of 46 pages, the contents of which we have noted.

Decisions of the tribunal

- (1) The tribunal determines that the market rent is £950.00 (nine hundred and fifty pounds) per calendar month.
- (2) The tribunal makes the determinations as set out under the various headings in this decision.

The application

1. The applicant seeks a determination pursuant to section 13 & 14 of the Housing Act 1988 following the service of a notice on 6 November 2020 by the landlord proposing a rent increase to £1,100 per calendar month from the rent previously payable of £950 per calendar month.

Background

2. On 6 November 2020 the landlord served a notice of rent increase proposing a new rent of £1,100 per month in place of the existing rent of £950 per month. The starting date for the new rent would be 14 December 2020.
3. On 7 December 2020 the tenants, Adewale Odusanya and Tola Adepegba, made an application to this tribunal challenging the increase. The application indicated that the applicants had been tenants since 14 September 2013. The application confirmed that the Property was a ground floor flat comprising a living room, two bedrooms and a bathroom. It does not appear that any furniture was provided by the landlord although carpets were included as were white goods.
4. By the Reply Form to the tribunal the applicants provided what they considered to be comparable evidence indicating a rental level of between £895 and £950.
5. The respondent had completed the Reply Form confirming the position in respect of carpets and white goods. The central heating appears to be electrical and there is double glazing.
6. We did not inspect the Property as a result of the Covid restrictions

The Law

7. We must first determine that the landlord's notice under section 13(2) satisfied the requirements of that section and was validly served. It was and is not disputed by the applicants.
8. The Housing Act 1988, section 14 requires us to determine the rent at which it considered that the subject property might reasonably be expected to be let on the open market by a willing landlord under an assured tenancy on the same tenancy terms, save as to the rent.
9. In so doing we are required by section 14(1), to ignore the effect on the rental value of the property of any relevant tenant's improvements as defined in section 14(2) of that Act, of which none are mentioned.

Valuation

10. The applicants provided some comparable details of properties at Coniston Avenue Purfleet and Kendal at Purfleet on Thames. These showed rental levels of between £895 and £900 per month. There was no indication that these properties had let at these rents but we considered they were helpful indications of rental level for two bedroomed properties in the Purfleet area. Our own knowledge and experience of rental level in the locality would give general support to these figures.
11. The respondent provided no comparable evidence but did say, we think as the writing was somewhat unclear, that the rent was last increased in 2018.
12. The tribunal considered that the property, in good repair and with the amenities required by the market would let at a rent of around £950 per calendar month. There is no indication of disrepair or issues with the Property raised by the applicants. We therefore determine the rent to be £950 per calendar month in the absence of any evidence to justify an increase to the level sought by the respondent.

Effective date

13. Under s14 (7) of the Housing Act 1988 the effective date of the decision would normally be the date shown on the application unless there is hardship to the tenant.
14. The tribunal received no evidence of hardship and therefore the effective date of the decision is 14 December 2020.

Name: Tribunal Judge Dutton

Date: 8 March 2021

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).