



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

Case Reference : **CHI/29UL/MNR/2021/0094**

Property : **24A Guildhall Street, Folkestone, Kent,
CT20 1DZ**

Applicant : **Mr P A G Pereira (Tenant).**

Respondent : **LCPI Ltd (Mr S Pound) (Landlord).**

Date of Application : **12th August 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 : **26th October 2021**

REASONS FOR DECISION

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Background

1. The Tribunal gave formal notice of its decision by a Notice dated 26th October 2021 in the sum of **£685.00 per calendar month (pcm)**.
2. By an application dated 12th August 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 31st July 2021 proposed a rent of **£685.00 pcm** with effect from 9th September 2021, in place of the current rent of £550.00 pcm.
4. The tenancy is an assured shorthold tenancy. The tenancy agreement is in common form and commenced on 9th May 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 23rd September 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 appears to be located above a shop in a pedestrian shopping street.
8. The property comprises a double glazed centrally heated maisonette on three floors accessed via an external staircase. Off street parking.
9. The accommodation comprises: on the Lower Floor: Entrance Hall. First Floor: 1 reception rooms and kitchen. Second Floor: 2 bedrooms, bathroom and w.c.
10. Carpets, cooker and washing machine are included in the Tenancy.
11. The Tribunal assumed 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 23rd September 2021.
14. Landlord: Tribunal Reply Form including photographs.
15. Tenant: Application Form but no other representation.

Landlord's Representations (summarised):

16. The Landlord says in the Reply Form:

- a) The property was refurbished between July 2020 and January 2021.
- b) The work included: re-flooring, re-plastering, re-decoration and a new bathroom installed.
- c) The kitchen fittings were not renewed as in good condition but the flooring, cooker and tiling were replaced.
- d) The property is located in the heart of Folkestone and within walking distance of the Railway Station.
- e) The Landlord considers that the market rent should be £785.00 pcm. However to assist the Tenant a rent of £685.00 pcm is proposed.
- f) The Landlord had researched the market and found that similar rents indicated £700.00 pcm. Very few of those included parking. The Agent's company let a similar but smaller property in nice condition 'just down the road' for £695.00 pcm in July.

Tenant's Representations (summarised)

- 17. Apart from the Application Form the Tenant makes no representations.
- 18. No representations are made about the level of the rent proposed by the Landlord.

The Tribunal's Deliberations

- 19. 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.
- 20. The Tribunal found as a matter of fact that the notice was a Notice under section 13 as prescribed by Statute.
- 21. 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.
- 22. The Tribunal checked the National Energy Performance Register and noted that the subject property has a certificate registering the property at C expiring on 11th October 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 a suitable condition for letting having recently undergone major refurbishment as described in paragraph 16 above.
- 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, cooker, washing machine and an EPC Rating above F would be **£685.00 pcm.**

25. The Tribunal, after careful consideration of the current market conditions and the apparent condition of the subject property, determined that the market rent at **£685.00 pcm.**
26. The rent will take effect from 9th September 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