



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

**Case Reference** : **CAM/42UG/MNR/2021/0054**

**Property** : **225 Langer Road, Felixstowe,  
Suffolk, IP11 2EE**

**Applicant** : **Mr D Garnham and Ms A  
Pearson (Tenants)**

**Respondent** : **Thompson's Estate Offices Ltd.**

**Date of Application** : **6th September 2021**

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

**Tribunal** : **Mr R T Brown FRICS Chairman**

**Date** : **15th November 2021**

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**REASONS FOR DECISION**

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### ***Background***

1. The Tribunal gave formal notice of its decision by a Notice dated 8th November 2021 in the sum of **£740.00 per calendar month (pcm)**.
2. By an application dated 6th September 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 20th August 2021 proposed a rent of **£740.00 pcm**, with effect from 20th October 2021, in place of the current rent of £670.00 pcm.
4. The tenancy is an assured shorthold tenancy. The tenancy agreement is in common form and commenced on 20th May 2016. 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 13th 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 is located in a mixed commercial and residential area not far from the seashore.
8. The property comprises a terraced house.
9. The accommodation comprises: 1 reception room, 1 dining room, kitchen, 3 bedrooms, bathroom and w.c. Outside: garden.
10. No inventory was supplied to the Tribunal. The Tribunal assumes that the property was let unfurnished originally with carpets and white goods.

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 13th September 2021.
14. Landlord: No submissions.
15. Tenant: Application Form, Notice of Increase and Tenancy Agreement.

### ***Landlord's Representations (summarised):***

16. The Landlord made no representations.

### ***Tenant's Representations (summarised)***

17. The Tenant made no representations other than completing (partly) the Application Form, enclosing the tenancy Agreement and Notice of Increase.
18. The Tenant made no representations with regard to the level of rent.

### ***The Tribunal's Deliberations***

19. 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.
20. The personal circumstances (or any dispute between them) 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 energy performance at the property at D expiring on 15th April 2026. The legal minimum standard for letting a property is rating E.
23. Based on its knowledge the Tribunal finds that the market for this type of property is very sensitive to condition and inventory.

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 (none in this case) and the Tribunal's own general knowledge of market rent levels.
25. 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 and after careful consideration of the property, current market conditions determined that the market rent for a similar property is **£850.00 pcm.**
26. The Tribunal noted that neither party had provided any details of the condition of the property or the inventory of contents. Nor had the parties provided any comparable evidence of current rents.
27. It appeared to the Tribunal that the Landlord had acknowledged that the property was perhaps not in the condition usual for current market lettings and proposed a rent of £740.00 pcm.
28. Given that the Tribunal was presented with no evidence that this figure was incorrect the Tribunal determined that the market rent for the subject property is **£740.00 pcm.**
29. The rent will take effect from 20th October 2021 being the date specified by the landlord in the notice of increase.

### ***Relevant Law***

30. Sections 13 and 14 of the Housing Act 1988.
31. 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 [rpeastern@justice.gov.uk](mailto:rpeastern@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