



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

Case Reference : **CAM/42UG/MNR/2021/0048**

Property : **229 Langer Road, Felixstowe,
Suffolk, IP11 2EE**

Applicant : **Mrs J Bell**

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

Date of Application : **25th August 2021**

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

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

Date : **8th November 2021**

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REASONS FOR DECISION

Background

1. The Tribunal gave formal notice of its decision by a Notice dated 8th November 2021 in the sum of **£675.00 per calendar month (pcm)**.
2. By an application dated 25th 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 20th August 2021 proposed a rent of **£720.00 pcm**, with effect from 4th October 2021, in place of the current rent of £655.00 pcm.
4. The tenancy is an assured shorthold tenancy. The tenancy agreement is in common form and commenced on 4th October 2001. 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 6th 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 centrally heated double glazed terraced house.
9. The accommodation comprises: 1 living/dining room, kitchen, 3 bedrooms, bathroom and w.c. Outside: garden.
10. No inventory was supplied to the Tribunal. The application indicates 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 6th September 2021.

14. Landlord: No submissions.

15. Tenant: Application and Reply Forms, Notice of Increase and Tenancy Agreement.

Landlord's Representations (summarised):

16. The Landlord made no representations.

Tenant's Representations (summarised)

17. In the Application and Reply Form the tenant:

a) The Tenant had undertaken works as follows:

- 1) Fitted wood flooring and carpets throughout.
- 2) Plastered 4 walls and decorated (including applying damp retardant paint) throughout the property.
- 3) Tiled kitchen and bathroom.
- 4) Replaced open fire 'cover' with fire retardant board.
- 5) Made the loft safe and useable.
- 6) Replaced lead gas pipes to the kitchen.
- 7) Cleared and created the garden.
- 8) Replaced some doors.

b) Outstanding jobs include: Damp, crumbling brickwork and an open drain next to the kitchen.

c) The property was in a poor state and the Landlord only undertook some repairs: re-wiring, double glazing and central heating boiler.

d) The Landlord's took little action in relation to my neighbours behaviour.

e) Other properties in the street have been improved by Thompsons (new extended kitchen) but not mine.

f) A rent increase of £65.00 pcm and at short notice is unreasonable.

g) Photographs showing: poor pointing, exposed gas pipe, open drain, damp wall in bedroom, mould in living room, damp in bathroom.

The Tribunal's Deliberations

18. 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.
19. The personal circumstances (or any dispute between them) of the Tenant or Landlord are not relevant to this issue.
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 checked the National Energy Performance Register and noted that the subject property has no certificate registering the energy performance at the property. The legal minimum standard for letting a property is rating E.
22. Based on its knowledge 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 would not immediately appeal to a prospective tenant.
23. 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.
24. 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, white goods and an EPC Rating above F and after careful consideration of the property, current market conditions determined that the market rent for the subject property is **£850.00 pcm.**

25. On the limited evidence before the Tribunal the member concluded that on the test of a balance of probability that this property was below the standard required to achieve the market rent of £850.00 pcm. The evidence for this being the works undertaken by the tenant (detailed above) to bring the property towards the expected standard.
26. To reflect these matters Tribunal deducted the following sums:
 - a) General disrepair £100.00 pcm.
 - b) Lack of carpets, curtains and white goods £75.00 pcm.

A total deduction of **£175.00 pcm.**
27. Accordingly the Tribunal determined that the market rent for the subject property is **£675.00 pcm.**
28. The rent will take effect from 4th October 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 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