



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

Case Reference : **CHI/00ML/MNR/2021/0116**

Property : **Room 6, 368 Old Shoreham Road,
Hove, BN3 7HA**

Applicant : **Mr V Lojka (Tenant)**

Respondent : **Mr M Kifford (Landlord) C/o Phoenix
Leaf Properties Ltd**

Date of Application : **4th October 2021**

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

Tribunal : **Mr R T Brown FRICS Chairman
Ms C Barton MRICS
Mr S Hodges FRICS**

Date : **30th November 2021**

REASONS FOR DECISION

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Background

1. The Tribunal gave formal notice of its decision by a Notice dated 30th November 2021 in the sum of **£500.00 per calendar month (pcm)**.
2. By an application received on 4th October 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 30th September 2021 proposed a rent of **£530.00 pcm** with effect from 1st November 2021, in place of the current rent of £500.00 pcm.
4. The tenancy is an assured shorthold tenancy. The Tenant says the tenancy began on the 28th February 2020 a fact not disputed by the Landlord. However the agreement, supplied with the application, which is in standard form commenced on 1st March 2021. 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 10th 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 on busy main road running East West through the town.
8. The property comprises a room in a centrally heated double glazed house comprising 7 letting rooms on three floors and shared facilities which include: kitchen/living room, 2 communal bathrooms and WCs. Outside: garden and off street parking.
9. The accommodation comprises an attic room with shared facilities for cooking and washing (washing machine, cooker and fridge).
10. Carpets and curtains are included and the common areas are furnished.
11. On the information before the Tribunal it appears that that the room rent includes council tax, gas, water, electricity, broadband, fortnightly cleaner and occasional gardener.
12. The Tribunal is informed that all mains services are connected.

Hearing

13. A hearing was not requested.

Documents supplied to and considered by the Tribunal

14. Tribunal Directions dated 13th October 2021.

15. Landlord: Did not complete the Reply Form or make submissions.
16. Tenant: Application Form, Notice of Increase, Tenancy Heads of Terms, Reply Form and photographs.

Landlord's Representations (summarised):

17. None.

Tenant's Representations (summarised)

18. In the Application and Reply Form the tenant says:
 - a) The property is in quite nice condition save for some worn furniture.
 - b) The kitchen and bathroom are in good condition.
 - c) Railway station within a 10 minute walk.
 - d) The room is small with a sloping ceiling.
 - e) There is one other room in the house let at £500.00 pcm but it is more spacious with a side window.
 - d) Attached are photos of the Tenant's room and the other room which show it to be larger.
 - e) Attached are some comparable but double rooms (some en-suite) available on Spareroom.com taken on 18th October 2021 at rents between £475.00 and £530.00 pcm.
 - f) In the application the Tenant says that there is no separate charge for services.

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. The Tribunal does not take into consideration the personal circumstances of the Landlord or Tenant in making its determination (including issues between Landlord and Tenant which do not affect the rental value of the property itself).
20. The Tribunal found as a matter of fact that the notice of rent increase 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 a certificate registering the property at C expiring on 21st August 2029. The legal minimum standard for letting a property is Rating E.
22. 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.

23. The Tribunal, acting as an expert tribunal, determined what rent the landlord could reasonably be expected to obtain for the subject property (a room in a shared house) 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.
24. It did this by having regard to the evidence supplied by the parties and the Tribunal's own general knowledge of market rent levels. The Tribunal noted the parties comments on the comparables and the accommodation provided. In particular the Tribunal noted the cramped nature of the room with the space compromised by the sloping attic ceiling. Having done so, it concluded that a likely market rent for a similar modernised property in fair condition with central heating, modern bathroom and kitchen facilities, floor coverings, curtains, all white goods and an EPC Rating above F would be **£500.00 pcm**. The Tribunal makes a finding of fact that the subject property was a similar modernised property in fair condition.
25. The Tribunal determined that the market rent for the subject property is **£500.00 pcm**.
26. The rent will take effect from 1st November 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.