



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

Case reference : **CHI/45UC/MNR/2022/0027**

Property : **Room 6, 4 Sturges Road, Bognor Regis,
West Sussex, PO21 2AH**

Applicant : **Ms E Cristea**

Representative : **None**

Respondent : **Ms K Sayers & Mr A Sayers**

Representative : **Viva Living Property Ltd**

Type of application : **Determination of a Market Rent
Sections 13 & 14 of the Housing Act 1988**

Tribunal member(s) : **Mrs J Coupe FRICS
Mr M. J. F. Donaldson FRICS MCI Arb MAE
Mr M Woodrow MRICS**

Date of decision : **13 June 2022**

DECISION

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Covid-19 pandemic: Description of determination

This has been a remote determination on the papers which has been consented to by the parties. A face-to-face hearing was not held because it was not practicable and all issues could be determined remotely on papers. The documents that the Tribunal were referred to are in an electronic bundle, the contents of which have been noted. The order made is described below.

Decision of the Tribunal

On 13 June 2022 the Tribunal determined a market rent of £575.00 per calendar month to take effect from 4 April 2022.

Background

1. By way of an application received on the 14 March 2022, the Applicant Tenant of Room 6, 4 Sturges Road, Bognor Regis, West Sussex, PO21 2AH (the Property) referred to the Tribunal an application (the application) referring a notice of increase in rent (the Notice) by the Landlord of the property under Section 13 of the Housing Act 1988 (the Act).
2. The Notice was dated 1 March 2022 and proposed a new rent of £630.00 per calendar month in place of the existing rent of £575.00 per calendar month to take effect from 4 April 2022.
3. The Tenant occupies the Property under an Assured Shorthold Tenancy dated 3 December 2020.
4. On 8 April 2022 the Tribunal issued Directions advising the parties that it considered the matter suitable for determination on papers unless either party objected, in writing, within 7 days. No such objections were received. The parties were advised that no inspection would be undertaken.
5. The Directions required the Landlord and Tenant to submit their completed statements by 22 April 2022 (Landlord) and 6 May 2022 (Tenant). With the exception of the application form, no submissions were received from either party.
6. The Tribunal reviewed the parties' submissions and determined that it could fairly and reasonably proceed to a decision on the papers.
7. The matter was determined having regard to the evidence contained in the application.

Law

8. In accordance with the terms of Section 14 of the Act the Tribunal are required 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, on the same terms as the actual tenancy.

9. In so doing, and in accordance with the Act, the Tribunal ignores any increase in value attributable to tenant's improvements and any decrease in value due to the tenant's failure to comply with any terms of the tenancy.

The Property

10. As stated, and in accord with current Tribunal policy, the Tribunal did not inspect the property, instead relying on the parties' evidence and viewing the property via online portals.
11. The Property is an ensuite attic bedroom within a three-storey end-terraced house of solid construction with brick faced elevations beneath a pitched and slate roof. The house had been converted into a House of Multiple Occupation (HMO) with six letting rooms. Arun District Council website confirms the property is licensed by them as an HMO for 6 persons.
12. The Property is located in a predominantly residential area and within walking distance of local shops, the railway station and seafront.
13. The accommodation comprises a second floor attic bedroom with ensuite bathroom. The kitchen/diner and garden are shared with five other tenants, who each occupy a double bedroom with ensuite bathroom.
14. Included within the rent is council tax, electricity, gas, water, broadband, cleaning and gardening.
15. The Tenant refers to the Property as heated, however the source and control of same is not undisclosed.
16. Furniture, including a double bed, fridge/freezer, chest of drawers, double wardrobe/mirror, bedside table, under counter cupboard and worktop space are provided by the Landlord.
17. As no submissions were received from either party the Tribunal makes an assumption that white goods, carpets and curtains were supplied by the Landlord.

Submissions – Tenant (summarised)

18. In her application form Ms Cristea referred to:
 - a. Irregular cleaning;
 - b. Failure by the Landlord to carry out gardening;
 - c. Intermittent heating during 2020-2021; no heating 2021-2022;
 - d. Slow broadband speed;
 - e. Generally satisfactory utilities.
19. No further submissions were filed.

Submissions - Landlord

20. None.

Determination

21. The Tribunal determines a market rent for a property by reference to rental values generally and to the rental values for comparable properties in the locality in particular. It does not take into account the present rent and the period of time which that rent has been charged, nor does it take into account the percentage increase which the proposed rent represents to the existing rent. In addition, the legislation makes it clear that the Tribunal cannot take into account the personal circumstances of either the landlord or the tenant.
22. The Tribunal assesses a rent for the property as it is on the day of the determination, disregarding any improvements made by the tenant but taking into account the impact on rental value of disrepair which is not due to a failure of the tenant to comply with the terms of the tenancy.
23. In determining the rent, the Tribunal has regard to the evidence supplied by the parties and the Tribunal's own general knowledge of market rents in the wider area. In this instance, neither party submitted any comparable evidence for consideration. Therefore, as an expert Tribunal, the Tribunal relied upon its own knowledge and experience.
24. The Tribunal checked the National Energy Performance Register and noted that 4 Sturges Road as a whole has a Rating of C.
25. The Tribunal noted that Arun District Council maintain a list of licensed HMO properties which is available on their website. The entry relating to the subject property describes the property as a "*3 storey bedsit type HMO where cooking facilities are shared. All rooms have exclusive access to their own washing facilities.*" The license commenced on 7 October 2019.
26. Having regard to the limited evidence supplied and in the absence of any comparable evidence from either party, the Tribunal, relying on its own expertise of local HMO lettings that include all utilities, determined that the market rent for the subject Property is £575.00 per calendar month.
27. The rent will take effect from 4 April 2022, that being the date specified by the Landlord in the Notice of increase.

Johanne Coupe FRICS (Chairman)
13 June 2022

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application by email to rpsouthern@justice.gov.uk to the First-tier Tribunal at the Regional office which has been dealing with the case.
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.