



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

Case Reference : **CHI/29UN/MNR/2022/0056**

Property : **58 Stirling Way, Ramsgate, Kent CT12 6NE**

Applicant : **R Ambrose and R Crocken
(Tenants) represented by S Ambrose**

Respondent : **J and R Sehgal (Landlord) represented by
Frederick and Co**

Date of Application : **Undated received 31st May 2022**

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

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

Date : **25th July 2022**

REASONS FOR DECISION

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Background

1. The Tribunal gave formal notice of its decision by a Notice dated 25th July 2022 will be **£1,050.00 per calendar month (pcm)** with effect from 18th June 2022.
2. By an application received on 31st May 2022, the Tenants 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 13th May 2022 proposed a rent of **£1,200.00 pcm** with effect from 18th June 2022, in place of the current rent of £950.00 pcm (plus £25.00 pcm for a dog).
4. The tenancy is an assured shorthold tenancy. The tenancy agreement is in common form and is unsigned however from the application it appears to have commenced on 18th November 2019. 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 30th June 2022 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 the edge of Ramsgate and has relatively new commercial units opposite. Close to Sainsburys. The former Manston International Airport (understood to be occasionally used as an over flow lorry park) is nearby. Although addressed as Stirling Way access appears to be from Quetta Road.
8. The property comprises a double glazed centrally heated semi-detached house.
9. The accommodation comprises: Hallway, living room, kitchen, W.C. 3 bedrooms and bathroom. Outside: Front and rear gardens.
10. The property is let unfurnished with floor coverings, cooker, fridge and washing machine.
11. The Tribunal assumed that all mains services are connected.

Documents supplied to and considered by the Tribunal

12. Tribunal Directions dated 30th June 2022.
13. Landlord: Tribunal Reply Form, inventory and photographs.
14. Tenant: Application Reply Forms, Notice of Increase and Tenancy Agreement.

Landlord's Representations (summarised):

15. The Landlord says in the Reply Form and attachments:
- a) The Double glazing including doors and windows installed over the last three months.
 - b) Property fully refurbished before letting in November 2019 including new boiler, plastering, bathroom, kitchen and carpets.
 - c) Roof has been repaired by a local firm.
 - d) Walking distance to schools, Sainsburys and a local shopping centre. The triangle bus runs every 20 minutes through Broadstairs, Margate and Ramsgate.
16. As to rental value the Landlord's agent made reference to 2 examples (*The Tribunal was unable to access one of the references as it had been removed from the web*). The other example was a three bedroom house in the CT11 postcode let agreed at £1,400.00 pcm.

Tenant's Representations (summarised)

17. The Tenant says in the Application and Reply Forms:
- a) Erected new back fence (£500.00). Redecorated front room (£100.00). Laid grass seed (£150.00).
 - b) Repairs needed:
 - 1) New windows, front door and back door.
 - 2) Roof leaks.
 - 3) Mould growth: Upstairs and downstairs
 - 4) Ant infestation in front room.
 - 5) Gutter leaking.
 - 6) Repairs to render.
18. Following reference to the environmental health some work was completed but the roof still leaks.
19. The Tenants say that the property is only worth £950.00 to £1050.00 and £1,200.00 is unjustifiable.
20. Photographs (undated and unidentified) show pictures of damp, damp mould and external elevations.
21. A copy of the original inventory and schedule of condition (including photographs) is included.

The Tribunal's Deliberations

22. The Tribunal found as a matter of fact that the notice was a Notice under section 13 as prescribed by Statute.
23. 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.
24. The Tribunal checked the National Energy Performance Register and noted that the subject property has a certificate registering the property at E expiring on 17th March 2025. The legal minimum standard for letting a property is rating E.
25. 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. Specifically, the Tribunal noted the Landlord had carried the following: Replacement of front and rear doors and three windows to first floor. Repairs to the roof have been unsuccessful. Without inspection the Tribunal makes no comment as to the source of the damp (penetration or condensation).
26. 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 limited 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 modern central heating, modern bathroom and kitchen facilities, floor coverings, cooker, washing machine and an EPC Rating of E or above would be **£1,400.00 pcm**.
27. The Tribunal, after careful consideration of the current market conditions and the apparent condition (as submitted by the parties) of the subject property determined to make deductions in respect of issues identified:
 - a) Incomplete gardens and driveway (as identified in the inventory photographs): £150.00.
 - b) Disrepair (including damp issue): £100.00.Total deduction £250.00 pcm
28. Accordingly, the Tribunal determined that the market rent for the subject property is **£1,050.00 pcm** (with no additional charge for a pet).
29. The rent will take effect from 18th June 2022 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 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.