



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

Case Reference : **CHI/29UM/MNR/2022/0055**

Property : **11 Twymans Mill, West Street, Faversham,
Kent ME13 7RU**

Applicant : **Mr M and Mrs A Hefferon
(Tenants)**

Respondent : **K Silver (Landlord)**

Date of Application : **15th May 2022**

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

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

Date : **20th July 2022**

REASONS FOR DECISION

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Background

1. The Tribunal gave formal notice of its decision by a Notice dated 20th July 2022 will be **£1050.00 per calendar month (pcm)** with effect from 22nd May 2022.
2. By an application dated 15th 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 16th April 2022 proposed a rent of **£1,074.00 pcm** with effect from 22nd May 2022, in place of the current rent of £995.00 pcm.
4. The tenancy is an assured shorthold tenancy. The tenancy agreement is in common form and is dated 22nd October 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 9th 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 in the market town of Faversham close to shops and amenities with fast rail link to London.
8. The property comprises a Third and Fourth Floor Flat in a Grade II listed building part double glazed centrally heated with allocated parking space and communal gardens.
9. The accommodation comprises: Hallway, Living Room, kitchen, 2 double bedrooms, shower room, understairs storage, galleried landing and 2 large eaves store rooms. Outside: Allocated parking space and communal gardens.
10. The property is let unfurnished with cooker/hob, 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 9th June 2022.
13. Landlord: Tribunal Reply Form.

14. Tenant: Application Notice of Increase and Tenancy, but did not complete the Reply Form.

Landlord's Representations (summarised):

15. The Landlord says in the Reply Form and attachments:
 - a) The flat was completely refurbished before the current tenants moved in (new kitchen fittings except washing machine and oven and redecorated throughout).
 - b) The Landlord is responsible for the service charge which includes window cleaning and share of communal garden maintenance.
 - c) Photographs are included in the Reply Form.
16. As to rental value the Landlord says Flats in Twymans Mill rarely come onto the market and the last relet, subject to references, took place within 2 days of advertising.
17. There are no comparable properties on offer in Faversham. Twymans Mill is highly sought after location in a conservation area. Twymans Mill is located in the centre of Faversham.
18. The proposed increase of 8.00% is in line with inflation. In central Faversham 2 bedroom properties with parking are offered for £1,100.00 to 1,200.00 pcm. Without parking between £900.00 and £1,200.00 pcm.

Tenant's Representations (summarised)

19. The Tenant made no submissions as to the property or rental value.

The Tribunal's Deliberations

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 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.
22. The Tribunal checked the National Energy Performance Register and noted that the subject property has a certificate registering the property at C expiring on 26th April 2031. The legal minimum standard for letting a property is rating E.
23. 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.
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 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 **£1,050.00 pcm.**

25. The Tribunal, after careful consideration of the current market conditions and the apparent condition of the subject property determined to make no deductions in respect of disrepair or other defect. However the Tribunal noted the Tenant had made no submission but the Landlord had apparently agreed relet the property after advertising at £1,050.00 pcm.
26. Accordingly, the Tribunal determined that the market rent for the subject property is **£1,050.00 pcm.**
27. The rent will take effect from 22nd May 2022 being the date specified by the landlord in the notice of increase.

Relevant Law

28. Sections 13 and 14 of the Housing Act 1988.
29. 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.