



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

Case Reference : **CHI/45UH/MNR/2022/0049**

Property : **34 Pilgrims Walk, Worthing, West Sussex
BN13 1RJ**

Applicant : **Ms L Cadden
(Tenant)**

Respondent : **Mr and Mrs Colborn (Landlords) c/o
Darren Munday Property Ltd**

Date of Application : **Received 9th May 2022**

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

Tribunal : **Mr R T Brown FRICS Chairman
Mr D Banfield FRICS
Ms A Clist MRICS**

Date : **1st August 2022**

REASONS FOR DECISION

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Background

1. The Tribunal gave formal notice of its decision by a Notice dated 1st August 2022 will be **£1,045.00 per calendar (pcm)** with effect from 1st June 2022.
2. By an application, received on the 9th 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 26th April 2022 proposed a rent of **£1,275.00 pcm** with effect from 1st June 2022, in place of the current rent of £930.00 pcm.
4. The tenancy is an assured shorthold tenancy. The tenant moved in into the property in 2015. A Tenancy Agreement in common form is dated 1st December 2018 is included in the Bundle. 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 23rd 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 a mainly residential area to the north of the main line railway. Close to local schools, amenities and railway station.
8. The property comprises a centrally heated part double glazed terrace house.
9. The accommodation comprises: 1 Living Room, kitchen, bathroom/w.c., 2 bedrooms. Outside: Off street parking and gardens.
10. The property is let unfurnished with floor coverings, curtains and gas hob (oven belongs to tenant).
11. The Tribunal assumed that all mains services are connected.

Documents supplied to and considered by the Tribunal

12. Tribunal Directions dated 23rd June 2022.
13. Bundle containing application, notice of increase and tenancy agreement, Reply Forms from Landlord and Tenant.

Hearing

14. A hearing was held at 10.00am on Monday 1st August 2022 using remote video on Cloud Video Platform.

15. The Hearing was attended by the Tenant in person. The Landlord was neither present nor represented.

Landlord's Representations (summarised):

16. The Landlord's agent says in the Reply Form:
- a) In 2019: New consumer unit, refurbishment of garden shed and fencing.
 - b) In 2021: Bathroom extractor fan, double glazed windows to kitchen, back bedroom and bathroom, Refurbishment of porch, new fully fitted kitchen and flooring.
 - c) In 2022: New carpets to stairs and landing.
 - d) There are no defects.
 - e) The property is close to shops, railway station, bus routes, schools and seafront.
 - f) The history of the tenancy is outlined (*not included here as not relevant to the matter under consideration*).
 - g) Photographs (dated) are included showing the new kitchen and a floor plan.
17. As to rental value the agent says that for 2 bedroom properties, there is reliable data for other properties in Pilgrims Walk. Analysis of this data (between February 2012 and April 2022 gives a mean rental value of £1,100.00 pcm. Further analysis of rental values in July 2022 shows the mean value within a 5 mile radius to be £1,325.00 pcm.
18. Details of properties let and available are attached.

Tenant's Representations (summarised)

19. The Tenant, appeared in person and summarised what she had said the in the Application and Bundle:
- a) When the tenant moved in her father relandscaped the garden.
 - b) The submission explains the history of the tenancy (including the rent review history) since taking up occupation in 2015.
 - c) On 12th April 2021 Adur and Worthing Borough Council served notice under the Housing Act 2004 on the Landlord to carry out works which have now been completed.
 - d) Outstanding repairs include: Carpets to living room and 2 bedrooms. Kitchen floor (recently replaced and incorrectly laid) is cracking.
 - e) The bathroom is still original (apart from replacement bath panel). There are issues with the toilet flush and shower/bath tap.
 - f) Kitchen, bathroom and master bedroom radiators corroded, leaking. Thermostat malfunctioning leading to lack of control of heat level.
 - g) Concerned about the insulation to the front and rear patio doors.
 - h) The carpets in the living and small bedroom were damaged during a flood now smell and are a trip hazard.
20. Undated and unidentified are photographs are included showing: rusty radiators, marks to flooring, loose light fittings.

21. As to rental value the Tenant acknowledges that the Landlord would probably achieve the figure requested however the length of the Tenants occupation (7 years) and the works carried by her father should be taken into account.
22. Information from other Tenants show rents being paid as follows:
No 38 Pilgrims Walk: £750.00 pcm.
No 23 Pilgrims Walk: Similar to No 34 £850.00 pcm.
Details of rent currently paid by other tenants locally are included ranging from £860.00 to £1,345 pcm including a 3 bedroom bungalow at £1,345.00 and a 3 bedroom semi at £1,250.00).
23. Rental valuation from Middleton Estates and Bradley and Lacey both at £1,000.00 pcm. Middleton includes an analysis of 5 similar properties let agreed or available at rents ranging from £950.00 to £1,250.00 pcm)

The Tribunal's Deliberations

24. The Tribunal found as a matter of fact that the notice was a Notice under section 13 as prescribed by Statute.
25. 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.
26. The Tribunal checked the National Energy Performance Register and noted that the subject property has a certificate registering the property at C expiring on 30th March 2025. The legal minimum standard for letting a property is rating E.
27. 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.
28. 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 **£1,100.00 pcm.**
29. 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 the disrepair issues identified:
 - a) General disrepair and lack of modern bathroom: £35.00
 - b) Lack of white goods: fridge washing machine and oven £20.00

Total deduction £55.00 pcm.

30. Accordingly, the Tribunal determined that the market rent for the subject property is **£1,045.00** pcm.
31. The rent will take effect from 1st June 2022 being the date specified by the landlord in the notice of increase.

Relevant Law

32. Sections 13 and 14 of the Housing Act 1988.
33. 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.