



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

Case Reference : **CHI/21UD/MNR/2022/0064**

Property : **Top Floor Flat, 9 Maze Hill, St Leonards on Sea, East Sussex TN38 0BA**

Applicant : **Mr N Johnson
(Tenants)**

Respondent : **Mr B Allum (Landlord)**

Date of Application : **23rd 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 **£750.00 per calendar month (pcm)** with effect from 25th May 2022.
2. By an application dated 23rd 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 8th April 2022 proposed a rent of **£900.00 pcm** with effect from 25th May 2022, in place of the current rent of £575.00 pcm.
4. The tenancy is an assured shorthold tenancy. The tenancy agreement is in common form and is dated 25th September 2012. 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 29th 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 subject property is located in the mainly residential road of Maze Hill, approximately 1 mile west of the town of Hastings. The property is located adjacent to St. Leonards Gardens and within very close proximity to the promenade at St. Leonards-on-Sea. Local retail amenities and public transport connections are nearby including St. Leonards Warrior Square Railway Station, approximately 0.5 mile to the north-east. Maze Hill is characterised by a number of Regency style buildings, many of which have been converted into flats with some designated as listed.
8. The property comprises a centrally heated self contained Top Floor Flat (occupying the 3rd and 4th floors) in a converted semi detached house and is part double glazed centrally heated.
9. The accommodation comprises: Living Room, kitchen, bathroom, W.C., 3 bedrooms and attic. Outside: Shared use of garden.
10. The property is let unfurnished with floor coverings and cooker.
11. The Tribunal assumed that all mains services are connected.

Documents supplied to and considered by the Tribunal

12. Tribunal Directions dated 29th June 2022.
13. Landlord: Tribunal Reply Form.

14. Tenant: Application and Reply Form, Notice of Increase and Tenancy Agreement.

Landlord's Representations (summarised):

15. The Landlord says in the Reply Form and attachments:
 - a) 3 bedrooms and attic
 - b) New boiler installed approximately 4 years ago.
 - c) Rent has not been increased since the tenant moved in.
 - d) Kitchen and bathroom installed 15 years ago now look tired.
 - e) The property is untidy and in a poor state of cleanliness.
 - f) Local amenities include: 2 minutes away: Beach, Bus and Shops. 1 minute away: Park.
16. As to rental value the Landlord says he has been advised by Oakfield Estates that a rental of £1,100.00 to £1,200.00 pcm could be expected. Two comparables are attached:
Chapel Park Road: (£1,100.00 pcm) – Modern with balcony, living room, kitchen, 3 bedrooms and 2 bathrooms
London Road: (£1,000.00 pcm) – Converted house with, living room, kitchen, 3 bedrooms and guest washroom.
17. Undated and unidentified photographs are attached.
18. The floor plan referred to was not attached.

Tenant's Representations (summarised)

19. The Tenant says in the Application and Reply Forms:
 - a) Two bedrooms and attic.
 - b) No double glazing.
 - c) Carpets in corridors and attic only.
20. In a letter to the Landlord dated 25th April 2022 the Tenant offered :
 - a) £725.00 pcm.
 - b) They have always been good tenants in 12 years of occupation.
 - c) Issues discussed with Hastings Borough Council include: Kitchen (Category 2) hazard, damp wall behind lavatory. The Tenant has not pursued matters to service of Notice by Hasting Borough Council.
21. Disrepair identified includes:
 - a) Bedroom windows rotten and leak and some do not have catches.
 - b) Uneven floor boards.
 - c) Chimney needs to be repaired to stop leak.
 - d) Powerpoints have tripped 4 times in 5 months.
 - e) Stairs to top floor very steep.
 - f) Oven is 'shot'
 - g) Ridge tiles missing
 - h) Rat holes in kitchen floor boards.

- i) New cracks in Kitchen wall where chimney is located.
 - J) Bathroom fittings are basic and the kitchen fittings poor.
22. Railway Station: 10 minutes, Local foodstore 5 minutes, Park 5 minutes, Sea promontory 5 minutes and High Street shops 10 minutes walk.
 23. Photographs showing the condition of:
 - Rot around kitchen sink.
 - Rot in window frame.
 - Uneven floor boards.
 - Loose kitchen doors.
 - Damp behind and adjoining kitchen sink
 - Broken oven seal.
 - Hole in wooden floor.
 24. **The Tenant also submitted a short video which the Tribunal was unable to access/ or the Tribunal watched the video of the property showing its general condition and layout.**
 25. No submissions are made as to rental value.

The Tribunal's Deliberations

26. The Tribunal found as a matter of fact that the notice was a Notice under section 13 as prescribed by Statute.
27. 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.
28. The Tribunal checked the National Energy Performance Register and noted that the subject property has a certificate registering the property at D expiring on 2nd October 2022. The legal minimum standard for letting a property is rating E.
29. 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.
30. The Tribunal noted the discrepancy in the accommodation. The Landlord says there are 3 bedrooms and an attic the Tenant says 2 bedrooms and attic. After considering the limited evidence before it the Tribunal concluded, on balance, that there were 3 bedrooms and valued accordingly. Should the Tribunal be wrong on this point the Tribunal may review its decision under the Appeal Provisions set out below.
31. 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 **£1,150.00 pcm.**

32. 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 modernisation: £200.00 pcm
 - b) Tired floor coverings (no coverings in kitchen) and lack of white goods: £200.00 pcm.

Total deduction £400.00 pcm

33. Accordingly, the Tribunal determined that the market rent for the subject property is **£750.00 pcm.**
34. The rent will take effect from 25th May 2022 being the date specified by the landlord in the notice of increase.

Relevant Law

35. Sections 13 and 14 of the Housing Act 1988.
36. 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.