



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

Case Reference : **CHI/29UQ/MDR/2022/0001**

Property : **1 Freight Cottages, Freight Lane,
Cranbrook, Kent TN17 3PF**

Applicant : **Mr S Rawlings (Tenant)**

Respondent : **BPT (Bradford Property Trust) Ltd c/o
Grainger Plc (Landlord)**

Date of Application : **13th June 2022**

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

Tribunal : **Mr R T Brown FRICS Chairman
Mr M Woodrow MRICS**

Date : **26th August 2022**

REASONS FOR DECISION

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Background

1. The Tribunal gave formal notice of its decision by a Notice dated 26th August 2022 that the rent will be **£200.00 per week (£865.00 pcm)** with effect from 15th August 2022.
2. By an application dated 13th June 2022, the Tenant 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 7th July 2022 proposed a rent of **£200.00 per week (£867.00 pcm)** with effect from 15th August 2022, in place of the current rent of £188.50 pw (£817.00 pcm).
4. The tenancy is a second succession assured tenancy. There is no written tenancy agreement. The succession took place on the death of the tenant's mother on 31st March 2022 (the original tenant died January 2020). 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 7th July 2022 and the explanation contained therein, the Tribunal did not inspect the premises. There was no request to inspect the premises and the Tribunal therefore proceeded on the papers submitted.
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 situated on a narrow single lane road off Frythe Walk on the outskirts of Cranbrook. All local amenities are available in the town.
8. The property comprises a centrally heated and single glazed semi-detached house constructed with brick faced and weatherboarded elevations under a pitched and tiled roof.
9. The accommodation comprises: 2 living rooms, kitchen, bathroom with WC and 3 bedrooms. Outside: gardens and off street parking.
10. The property is let unfurnished without floor coverings, curtains or white goods.
11. The Tribunal assumed that mains water and electricity services are connected. There is said to be oil fired central heating.

Documents supplied to and considered by the Tribunal

12. Tribunal Directions dated 7th July and 11th August 2022.
13. Landlord: Tribunal Reply Form and Notice of Increase.
14. Tenant: Application and emails to the Tribunal.

Landlord's Representations (summarised):

15. The Landlord says in the Reply Form and attachments:

- a) Electrical upgrade was carried out in 2014.
- b) The weatherboarding and windows are defective.
- c) The kitchen and bathroom are dated.

16. As to rental the Landlord refers to two comparables:

18 Broadcloth, Cranbrook: Small modern 3 bedroom mid terrace house available to let in June 2022 at £1,250 pcm. Smaller garden, central heating, double glazing, modern kitchen and unfurnished.

Joyce Close, Cranbrook: Modern detached house available to let in June 2022 at £1,495.00 pcm. 3 bedrooms, family bathroom/WC, ensuite shower room, separate WC on ground floor, average sized garden and unfurnished.

17. Fully modernised, they assess the value of the subject property at £1,325.00 pcm. (They base this on the assumption that 18 Broadcloth let for £1,200.00 pcm and Joyce Close for £1,450.00 pcm).

18. The subject property is a larger semi detached period property with a larger garden.

19. Landlord's deductions from fully modernised property:

Decorating liability, no floor coverings/curtains or white goods: £125.00 pcm
Disrepair: Single glazed windows in poor repair, external decorations: £100.00 pcm.

Kitchen dated and lack of units: £65.00 pcm.

Bathroom: dated with no shower: £40.00 pcm

Total £330.00. (£1,325.00 - £330.00 = £995.00 pcm (£230.00 pw)

20. Notice of Increase was served at £200.00 pw (£867.00 pcm).

Tenant's Representations (summarised)

21. The Tenant says in the Application and emails to the Tribunal:

- a) The Landlord initially proposed a rent of £230.00 pw (£997.00 pcm).
- b) The Tenant succeeded to the tenancy by succession following the death of his mother on 31st March 2022.
- c) The Landlord has said it will send a team to look into the repairs needed but the Tenant has little faith in the Landlord's promises.

22. Photographs of the property are included showing the dilapidated stated of the weatherboarding at first floor level and the need for external decoration.

23. The Tenant made no submissions as to the calculation of the rent.

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. As a second succession tenant, Mr Rawlings is entitled to the benefit of security of tenure but not a fair rent registered by the Rent Officer under the provisions of Section 70 of the Rent Act 1977.
27. The Tribunal checked the National Energy Performance Register and noted that the subject property has a certificate registering the property at E expiring on the 11th May 2028. The legal minimum standard for letting a property is rating E.
28. 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.
29. 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 with double glazing in fair condition with modern central heating, modern bathroom and kitchen facilities, floor coverings, all white goods and an EPC Rating of E or above would be **£1,200.00 pcm**.
30. 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) General disrepair including single glazing: £115.00
 - b) Lack of floor coverings, curtains and white goods: £80.00
 - c) Internal decorating liability: £60.00
 - d) Dated kitchen and Bathroom fittings: £80.00Total deduction £335.00 pcm
31. Accordingly, the Tribunal determined that the market rent for the subject property is **£200.00 pw (£865.00 pcm)**.
32. The rent will take effect from 15th August 2022 being the date specified by the landlord in the notice of increase.

Relevant Law

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

34. 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.