



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

Case Reference : **CHI/21UD/MNR/2022/0074**

Property : **Flat 5, 12 Carlisle Parade, Hastings, East
Sussex TN34 1JG**

Applicant : **Dr C Karakaya (Tenant)**

Respondent : **Mr C Blaber and Mr G Town (Landlords)
c/o HAS Property Management**

Date of Application : **29th 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

Background

1. The Tribunal gave formal notice of its decision by a Notice dated 26th August 2022 will be **£960.00 per calendar month (pcm)** with effect from 1st July 2022.
2. By an application dated 29th 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, served on both Dr C and Mrs D Karakaya, dated the 5th May 2022 proposed a rent of **£975.00 pcm** with effect from 1st July 2022, in place of the current rent of £895.00 pcm.
4. The tenancy is an assured shorthold tenancy. There is no written tenancy agreement but the Tribunal is told it commenced on 1st November 2018. 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 13th July 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 Hastings seafront. It is centrally located with local amenities readily available nearby.
8. The property comprises a single glazed, centrally heated top floor flat in period building of rendered masonry to the front and side elevations under a pitched roof. It is understood it was converted into 5 flats circa 2000.
9. The accommodation comprises: Living Room, kitchen/diner, 2 bathrooms and 3 bedrooms. Outside: On street permit parking is available.
10. The property is let unfurnished with floor coverings but no white goods as stated on both the Landlords and Tenants Reply Forms.
11. The Tribunal assumed that all mains services are connected.

Documents supplied to and considered by the Tribunal

12. Tribunal Directions dated 13th July 2022.
13. Landlord: Tribunal Reply Form.
14. Tenant: Application Reply Form and Notice of Increase.

Landlord's Representations (summarised):

15. The Landlord' agent says in the Reply Form and attachments:
 - a) The roof was repaired in June 2022 and internal repairs will be carried out once the area is fully dry.
16. In 2018 the rent was £850.00 pcm increased in June 2020 to £895.00 and proposed increase to £975.00 in July 2022.
17. A series of undated interior and exterior photographs are attached to the submission.
18. Also attached is a series of record sheets showing instructions from the agents to contractors in respect of various repairs together emails between the agent and tenant in respect of rent and repairs.
19. As to rental value, the agents say there are only three 3 bedroom flats currently available priced between £1,150.00 and £1,300.00 pcm. The proposed rent is more than fair and reflects the current condition of the property.

Tenant's Representations (summarised)

20. The Tenant says in the Application and Reply Forms:
 - a) The photographs sent by the agent are old taken almost 4 years ago.
 - b) The Tenant includes photographs showing: Damage following a leak, deteriorating decorations, condition of oven, loose hard wired smoke detectors.
 - c) A series of emails between the Tenant, the Agents and a Hastings Borough Council Housing Renewal Officer which lists issues relating to the general repair and safety (damp, mould, leaking roof, electrical/fire/gas hazards, missing baluster to stairs) at the property.
 - d) The report by Hastings BC Technical Officer refers to: single glazing, penetrating damp, extractor fan not working, intercom faulty.
 - e) The Officer noted: Gas safe and satisfactory EICR is in place. EPC rating D. Grade A interlinked fire alarm system in place.
21. No assessment of rental value is included in the submission.

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 its current condition in the open market today 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 D expiring on 26th April 2029. 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.
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 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 and double glazed property in fair condition with modern central heating, modern bathroom and kitchen fittings, floor coverings, all white goods and an EPC Rating of E or above would be **£1,200.00 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) General disrepair (as evidenced by the photos and Technical Officer's report): £100.00
 - b) Lack of white goods: £60.00
 - c) Lack of double glazing: £80.00Total deduction £240.00 pcm
28. Accordingly, the Tribunal determined that the market rent for the subject property is **£960.00 pcm.**
29. The rent will take effect from 1st July 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.