



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

Case Reference : **CHI/29UG/MNR/2022/0079**

Property : **22 Robina Avenue, Norfleet, Gravesend,
Kent DA11 9QE**

Applicant : **Mr M Awodola Makanju
(Tenants)**

Respondent : **Shergill Property Investments (Landlord)
c/o Orange Property services**

Date of Application : **8th July 2022**

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

Tribunal : **Mr R T Brown FRICS Chairman
Mr C Davies FRICS ACI Arb
Mr P Smith BSc FRICS**

Date : **8th September 2022**

REASONS FOR DECISION

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Background

1. The Tribunal gave formal notice of its decision by a Notice dated 8th September 2022 that the rent will be **£1,150.00 per calendar month (pcm)** with effect from 23rd July 2022.
2. By an application dated 8th July 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 June 2022 proposed a rent of **£1,200.00 pcm** with effect from 23rd July 2022, in place of the current rent of £1075.00 pcm.
4. The tenancy is an assured shorthold tenancy. The tenancy agreement is in common form and is dated 23rd June 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 August 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 south of the B2175 close to the town centre. Local amenities are available and include access to Ebbsfleet International, Gravesend and Northolt railways stations and local bus stops.
8. The property comprises a double glazed centrally heated terrace house.
9. The accommodation comprises: 2 Reception Rooms, kitchen, bathroom and 3 bedrooms. Outside: Gardens and garage.
10. The property is let unfurnished with floor coverings, fridge and cooker.
11. The Tribunal assumed that all mains services are connected.

Documents supplied to and considered by the Tribunal

12. Tribunal Directions dated 9th August 2022.
13. Landlord: Tribunal Reply Form.
14. Tenant: Application Reply Forms, Notice of Increase and Tenancy Agreement and Building Surveyor's report.

Landlord's Representations (summarised):

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

- a) The property was painted and new carpets laid before the Tenant moved in.
- b) Apart from installing a cooker no updates have been carried out in the last 5 years.

16. As to rental value the Landlord's agent refers to Rightmove's Best Price Guide between 1st May and 19th August 2022 within 0.5 mile radius of DA11 9QE. Comparables of properties let agreed or available at rents ranging from £1,200.00 to £1,450.00 pcm are presented but not analysed to the subject property.

Tenant's Representations (summarised)

17. The Tenant says in the Application and Reply Forms:

- a) Photographs showing damp on the internal face of the bay window, black mould in the bathroom, collapsing plaster on the kitchen ceiling, carpet torn by rats, broken joints in bathroom tiling.
- b) There has been no improvement since the tenancy commenced.
- c) Repairs are needed: Bathroom, kitchen, and mould around the house.

18. The Tenant says that if the Landlord repaired the property, the rent would be around £1,150.00 to £1,200.00 pcm. See advert from Rightmove. The Tenant however proposes £1,130.00 which has been rejected.

The Tribunal's Deliberations

19. The Tribunal found as a matter of fact that the notice was a Notice under section 13 as prescribed by Statute.

20. 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.

21. The Tribunal checked the National Energy Performance Register and noted that the subject property has a certificate registering the property at D expiring on 5th April 2027. The legal minimum standard for letting a property is rating E.

22. 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.

23. 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 **£1,300.00 pcm.**

24. 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 : £50.00
 - b) Lack of modern bathroom: £50.00
 - c) Lack of modern kitchen: £50.00

Total deduction £150.00 pcm

25. Accordingly, the Tribunal determined that the market rent for the subject property is **£1,150.00 pcm**.
26. The rent will take effect from 23rd July 2022 being the date specified by the landlord in the notice of increase.

Relevant Law

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