



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

Case Reference : **CHI/29UN/MNR/2022/0112**

Property : **GFF, 11 Gilbert Road, Ramsgate, Kent CT11
7QR**

Applicant : **Mr M and Mrs T Steward
(Tenants) C/o Helping Others Powers
Encouragement**

Respondent : **Greenfinches Property Investments Ltd
(Landlord)**

Date of Application : **26th September 2022**

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

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

Date : **19th December 2022**

REASONS FOR DECISION

Background

1. The Tribunal gave formal notice of its decision by a Notice dated 19th December 2022 that the rent will be **£850.00 per calendar month (pcm)** with effect from 21st October 2022.
2. By an application dated 26th September 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 6th September 2022 proposed a rent of **£850.00 pcm** with effect from 21st October 2022, in place of the current rent of £750.00 pcm.
4. The tenancy is an assured shorthold tenancy. The tenancy agreement is in common form and is dated 21st May 2011. 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 12th October 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 an established residential area within easy access of the town centre and railway station.
8. The property comprises a self contained ground floor flat in a centrally heated double glazed two storey building.
9. The accommodation comprises: Living room, kitchen, bathroom, separate w.c. and 2 bedrooms. Outside: garden and garage.
10. The property is let unfurnished with some floor coverings and a cooker.
11. The Tribunal assumed that all mains services are connected.

Documents supplied to and considered by the Tribunal

12. Tribunal Directions.
13. Landlord: Brief undated statement with an email dated 21st November 2022.
14. Tenant: Application Reply Forms, Notice of Increase, Tenancy Agreement and a number of undated photographs.

Landlord's Representations (summarised):

15. The Landlord says:

- a) There have been 4 rent increases in the rent since 2011 which are not considered to be unreasonable.
- b) The property is a large 2 bedroom flat with garden and garage, which is 5 minutes to the railway station and 10 minute walk to the town centre and beach.
- c) The Landlord is not aware of any maintenance issues.

16. As to rental value the Landlord suggests the current rent for properties in this area is £1,100.00 pcm but currently the rent for this property is £850.00 pcm.

Tenant's Representations (summarised)

- 17. The Tenant's representative says in the Application and Reply Forms:
 - a) Replaced garden fence in 2019.
 - b) New boiler was fitted 2014 under a government disrepair grant.
- 18. Works carried out by the Landlord: Rewire (2021), Basin, tap and flooring in bathroom (2022).
- 19. Disrepair:
 - a) Mould in both bedrooms.
 - b) Bedroom 1: walls and ceiling cracked, .
 - c) Bedroom 1, 2 and bathroom: peeling paint.
 - d) Bathroom: damp patch on ceiling and radiator rusty.
 - e) W.C radiator not useable and rusty.
 - f) Kitchen: Crack in ceiling and kitchen not touched by Landlord in last 12 years.
 - g) Living room windows do not shut properly.
 - h) Broken tiles around windows.
- 20. No safe disabled access to the property or aids fitted within the property (especially bathroom and w.c.).
- 21. As to the proposed rent there are no comparables due to current rentals all being renovated or refurbished to a high standard whereas the subject property has had no refurbishment/renovations in 12 years.

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 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.
- 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 2nd March 2031. 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 property in fair condition with central heating, modern bathroom and kitchen facilities, floor coverings and all white goods and garage and an EPC Rating of E or above would be **£950.00 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 shown in the photographs) and lack of modernisation : £100.00
28. Accordingly, the Tribunal determined that the market rent for the subject property is **£850.00 pcm.**
29. The rent will take effect from 21st October 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.