



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

**Case Reference** : **CHI/00LC/MNR/2022/0129**

**Property** : **16 Flamingo Close, Walderslade, Chatham,  
Kent ME5 7RF**

**Applicant** : **Ms G Monk (Tenant)**

**Respondent** : **Mr H Sykes (Landlord)**

**Date of Application** : **4<sup>th</sup> November 2022**

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

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

**Date** : **13<sup>th</sup> January 2023**

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**REASONS FOR DECISION**

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### ***Background***

1. The Tribunal gave formal notice of its decision by a Notice dated 13<sup>th</sup> January 2023 that the rent will be **£950.00 per calendar month (pcm)** with effect from 1<sup>st</sup> January 2023.
2. By an application dated 4<sup>th</sup> November 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 14<sup>th</sup> October 2022 proposed a rent of **£1,000.00 pcm** with effect from 1<sup>st</sup> January 2023, in place of the current rent of £830.00 pcm.
4. The tenancy is an assured shorthold tenancy. The tenancy agreement is in common form and commenced on 1<sup>st</sup> October 2019. 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 7<sup>th</sup> December 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 cul de sac within a residential area to the north of the M2 and south of the railway line. Local amenities are available.
8. The property comprises a modern mid terraced house. It appears to be of cavity brick and block construction with brick faced elevations under a pitched roof.
9. The accommodation comprises: Living Room, kitchen, bathroom/w.c and two bedrooms. Outside: Garden and parking.
10. The property is let unfurnished with floor coverings. It is double glazed with gas central heating to radiators.
11. The Tribunal assumed that all mains services are connected.

### ***Documents supplied to and considered by the Tribunal***

12. Tribunal Directions.
13. Landlord: Tribunal Reply Form.
14. Tenant: Application, Reply Form, Notice of Increase and Tenancy Agreement.

### ***Landlord's Representations (summarised):***

15. The Landlord says in the Reply Form and attachments:
  - a) No improvements have been carried out since commencement of the tenancy in October 2019.
  - b) The property suffers from the usual wear and tear expected after a 3 year occupation.
  - c) The kitchen and bathroom fittings are estimated to be 10 to 15 years old.
  - d) Undated photographs of parts of the interior and the front elevation are attached.
  
16. As to rental value the Landlord says;
  - a) On 7<sup>th</sup> December there were 6 unfurnished houses available to let in Walderslade Chatham at rents ranging from £1,000.00 to £1,150.00 pcm.
  - b) On the 18<sup>th</sup> December there were no two bedroom houses available.
  - c) If the property were to come onto the market today, a rent of £1,100.00 would be asked. The Landlord considers that £1,000.00 is reasonable and represents good value for money in the current market.

### ***Tenant's Representations (summarised)***

17. The Tenant says in the Application and Reply Forms:
  - a) No improvements have been carried out since moving into the property.
  - b) The property generally, including the bathroom and kitchen fittings, are outdated. Leaks occur in the bathroom.
  - c) The property was poorly looked after before the Tenant moved in.
  - d) Some undated photographs are attached showing the condition of various areas including the kitchen, bathroom and living room.
  
18. As to the proposed rent, the Tenant says that the Landlord's examples are all of properties that have been looked after and updated.

### ***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 C and expiring 27<sup>th</sup> July 2024. 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 central heating, modern bathroom and kitchen facilities, floor coverings, cooker, washing machine and fridge and EPC Rating of E or above would be **£1,100.00 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 fair wear and tear (as identified by the Landlord and Tenant):  
£150.00 pcm.

Total deduction £150.00 pcm

25. Accordingly, the Tribunal determined that the market rent for the subject property is **£950.00 pcm.**

26. The rent will take effect from 1<sup>st</sup> January 2023 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](mailto: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.