



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

Case reference : **CHI/24UF/MNR/2023/0120**

Property : **Flat 27 Sussex Court, Vanguard Road,
Gosport, Hampshire PO12 4FF**

Applicant : **Jacqueline Anne Thomas**

Representative : **None**

Respondent : **Kema Victoria Genda**

Representative : **Sequence UK Ltd**

Type of application : **Section 13(4) Housing Act 1988**

Tribunal members : **Mr D Jagger MRICS
Mr J Reichel BSc MRICS
Mr S Hodges FRICS**

Venue : **Paper determination**

Date of decision : **7th July 2023**

DECISION

Decision of the tribunal

- (1) The Tribunal determines that the rent that the property in its current condition as at the 15th April 2023 might reasonably be expected to achieve in the open market under an assured tenancy is **£1,050 per month**

Background

1. The tenant has lived in the property as an assured periodic tenant since 15th December 2009 with an agreement of that date.
2. On the 3rd March 2023 the landlord's agent Sequence UK Ltd served a notice pursuant to section 13(2) of the Housing Act 1988 seeking to increase the rent from £700 per month to £1,100 per month, being an increase of £400 effective from 15th April 2023.
3. By an application dated 10th April 2023, the tenant referred that notice to the Tribunal for a determination of the market rent. The Tribunal issued Directions for the conduct of the matter on 19th May 2023.
4. The Tribunal considered the matter suitable for a determination on the papers and therefore a hearing was not necessary. The parties did not disagree with this arrangement.

The Evidence

5. The Tribunal has before it, a bundle of evidence which includes a background to the case, the application, the directions, the tenancy agreement, a completed rent appeal statement on behalf of the tenant together with photographic evidence. In addition, the tenant provided the Tribunal with a helpful video showing the condition of the flat. Each party submitted details of comparable evidence and more about this is stated below.

Inspection

6. The Tribunal did not inspect the property and relied on the information provided by the parties, Rightmove, Google Street Maps and its expert knowledge. The property is a purpose built first floor flat which forms part of a three-storey block overlooking Portsmouth harbour built in 2000.
7. The accommodation comprises two bedrooms, living room with balcony, kitchen, bathroom and en-suite shower room, communal gardens and allocated parking space. The property has an EPC Rating of B82. There is electric storage heating and double-glazed windows.

The Law

- 8.. The rules governing a determination are set out in section 14 of the Housing Act 1988. In particular, the Tribunal is to determine the rent at which the property might reasonably be expected to be let in the open market by a willing landlord under an assured tenancy, subject to disregards in relation to the nature of the tenancy (i.e. it being granted to a “sitting tenant”) and any increase or reduction in the value due to the tenant’s improvements or failure to comply with the terms of the tenancy. In the absence of any evidence to the contrary, the Tribunal has proceeded on the basis that the landlord is responsible for repairs to the structure, exterior and any installations pursuant to section 11 of the Landlord and Tenant Act 1985 and the tenant for interior decoration.

The valuation

9. Having carefully considered all the evidence the Tribunal considers that the rent that would be achieved in its current condition with reasonably modern kitchen and bathroom fittings, modern services, carpets, curtains and white goods supplied by the landlord would be **£1,100** per month. This figure is based upon the comparable evidence provided by the parties and the Tribunal’s professional judgement and experience.
10. However, the Tribunal now needs to adjust this rent to allow for the internal condition of the property and the poor condition of the carpets. The Tribunal has considered very carefully the tenant’s submissions and using its own expertise, considers that a deduction of £50 should be applied. This reduces the rental figure to £1,050 per month. It should be noted that this figure cannot be a simple arithmetical calculation and is not based upon capital costs but is the Tribunal’s estimate of the amount by which the rent would need to be reduced to attract a tenant.
- 11 The average rent for rental properties in the Gosport area has increased every quarter since the end of 2019, according to the online property portal Rightmove. The rent increases are due to not enough properties coming to the market to meet demand and the number of homes for rent is 46 per cent below 2019 levels. This puts this decision in context with the current rental market.
11. The Tribunal has been provided with a copy of the tenancy agreement, which incorporates the usual repair obligations.
12. The Tribunal received no evidence of hardship and, therefore, the rent determined by the tribunal is to take effect from **15th April 2023**.

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28-day time limit, such application must include a request for an extension of time and the reason for not complying with the 28-day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).