



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

Case reference : **CHI/45UG/MNR/2023/0299**

Property : **21A Brunswick Road, Shoreham-by-Sea,
West Sussex, BN43 5WA**

Applicant : **Ms Amanda Urwin-Mann**

Representative : **None**

Respondent : **Warwick & Susan Baker**

Representative : **Daniel Ellman Baker MRICS**

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

Tribunal members : **Mr D Jagger MRICS
Mr N Robinson FRICS**

Venue : **Paper determination with Inspection**

Date of decision : **17th June 2024**

DECISION

Decision of the tribunal

- (1) The Tribunal determines that the rent that the property in its current condition as at the 18th December 2023 might reasonably be expected to achieve in the open market under an assured periodic tenancy is **£220 per week**

Background

1. The tenant has lived in the property as assured periodic tenant since August 1996 subject to an oral weekly tenancy agreement and this matter is referred to later.
2. On the 6th November 2023 the Landlord served a notice pursuant to section 13(2) of the Housing Act 1988 seeking to increase the rent from £175 per week to £220 per week, being an increase of £45 effective from 18th December 2023.
3. By an application dated 15th December 2023, the tenant referred that Notice to the Tribunal for a determination of the market rent.
4. Initially, the Tribunal issued Directions on the 19th January 2024 stating that based upon the date of the tenancy (1st August 1996) set out in the Tenants application the Tribunal were minded to strike out the application as the Landlord's notice proposing the new rent may be defective. Following correspondence from the Landlord, revised Directions were issued on the 12th February 2024 confirming the application was valid. As such, further Directions were issued on the 14th February 2024 setting out the conduct of the matter.
5. 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

6. The Tribunal has before it a bundle of evidence which includes a background to the case and the Directions. The Landlord and the Tenant each completed the comprehensive Rent Appeal Statements which included photographs a schedule of recent refurbishment items and the associated costs. Each party provided a list of comparable evidence. The Landlord submitted a schedule of some 13 one bedroom flats ranging from £925 pcm through to £1,350 pcm. The Tenant produced a list of agents details for one bedroom flats ranging from £750 pcm through to £850 pcm. This list included properties which were added to the internet as far back as March 2021 and one property was a retirement flat. The Tribunal, therefore placed limited weight on such evidence.

Inspection

7. The Tribunal inspected the property on the 17th June in the presence of the Tenant. Mr Ellman Baker also attended the property in order to carry out a joint inspection. Ms Urwin Mann however denied access to this party and the Tribunal inspected alone with Ms Urwin Mann. The property is a converted first floor flat which forms part of a two storey Victorian building with commercial premises on the ground floor. The property is located on the corner of Brunswick Road and Western Road close to town centre amenities and railway station. The building has rendered elevations under a pitched and slate covered roof. Access is provided via a shared courtyard and an external metal staircase.
8. The accommodation comprises: 1 bedroom, living room, kitchen and bathroom. There is gas central heating with a new boiler installed in 2023 and double glazed windows. It is stated carpets, and a hob and oven were provided by the Landlord. The landlord has undertaken significant refurbishment works to the flat approximately 18 months ago which includes replacement kitchen and bathroom fittings, including the new boiler previously mentioned at a stated cost of approximately £25,000.

The Law

9. 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

10. Having carefully considered all the evidence from the Landlord and the Tenant the Tribunal considers that an achievable rent for the property in a good marketable condition with reasonably modern kitchen and bathroom fittings, modern services with carpets curtains and white goods provided by the Landlord would be **£240** per week. This figure is based upon the comparable evidence provided by the parties and the Tribunal’s professional judgement and experience.
11. The Tribunal has considered carefully the party’s submissions and using its own expertise, we consider a deduction of **£20** per week should be

applied to take into account no white goods other than a hob and oven, curtains provided by the Tenant and previous damp and mould to the wall adjacent the entrance door and poor plaster and damp/mould in the bedroom recess. This reduces the rental figure to **£220** per week. It should be noted that this figure cannot be a simple arithmetical calculation and is not based on capital costs but is the Tribunal's estimate of the amount by which the rent would need to be reduced to attract a tenant.

- 12 The average rent for rental properties in the Shoreham area has increased every quarter since the end of 2020, 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 2020 levels. This puts this decision in context with the current rental market.
13. The Tribunal has not been provided with a copy of any tenancy agreement, and it is assumed the oral agreement incorporates the usual repair obligations.
14. The Tribunal received no evidence of hardship from the tenant and, therefore, the rent determined by the tribunal is to take effect from **18th December 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).