



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

Case reference : **HAV/21UC/MNR/2024/0505**

Property : **Flat 3 Gowland Court, 137-139 Seaside
Road, Eastbourne, East Sussex, BN21
3PG**

Applicant : **Joseph Zaide**

Representative : **None**

Respondent : **Eastbourne Housing Investment
Company**

Representative : **None**

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

Tribunal members : **Mr D Jagger MRICS
Mr C Davies FRICS**

Venue : **Paper determination with inspection**

Date of Decision : **17th October 2024**

DECISION

Decision of the tribunal

- (1) The Tribunal determines that the rent that the property in its current condition as at the 1st September 2024 might reasonably be expected to achieve in the open market under an assured tenancy is **£825 per month**.

Background

1. The tenant has lived in the property as assured periodic tenant since 1st April 2016.
2. On the 25 July 2024 the landlord served a notice pursuant to section 13(2) of the Housing Act 1988 seeking to increase the rent from £763 per month to £900, being an increase of £137 (18%) effective from 1 September 2024.
3. By an application dated 14th August 2024, 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 3rd August 2024.
4. On the 26th September 2024 the landlord submitted a Case Management Application to the Tribunal requesting an application to join the proceedings and extend the deadline in accordance with the directions. The Tribunal accepted this request as it was considered there was no prejudice to the tenant.
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, the application, the directions, completed rent appeal statements on behalf of the landlord and tenant, a witness statement from the tenant including helpful photographs and tenancy agreement. Each party submitted details of comparable rental evidence.

Inspection

7. The Tribunal inspected the property on the morning of 17th September 2024 in the presence of the tenant. The property is a purpose built self-contained first floor flat which forms part of a four storey block built during the 1980's with flat mansard roof and brick and render elevations.

The block has commercial premises on the ground floor and an underground secure car park. There are basic communal areas and a lift and staircase to upper floors. The block contains 12 flats and is located in a mixed commercial and residential area convenient to the town centre and sea front.

8. The good-sized accommodation comprises: two bedrooms, living room, kitchen, bathroom, en-suite shower room and allocated parking space. The windows are original timber single glazed units with sliding secondary glazing. Heating is provided by very basic electric storage heaters.

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 the Tribunal considers that the rent that would be achieved in a good marketable condition with reasonably modern kitchen and bathroom fittings, modern services and heating system, carpets, curtains and white goods supplied by the landlord would be **£1,100** per month. This figure is based upon the Tribunal’s professional judgement and experience of rental values in the Eastbourne area together with the comparable evidence presented by the parties.
11. The Tribunal now needs to adjust this rent to allow for the internal condition of the property, the kitchen and bathroom fittings are some 35 years old, there are no white goods, carpets, curtains provided by the landlord, the heating system is extremely basic and windows are suffering from rot infestation and difficult to open. There is significant damp and rot to the skirting boards in the hallway which really requires investigation by the landlord, The Tribunal has considered very carefully the tenant’s submissions. Using its own expertise upon the inspection considers that a deduction of **£275** (25%) should be applied. This reduces the rental figure to **£825** 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.

- 12 The average rent for rental properties in the Eastbourne area has increased every quarter since the end of 2020, according to the online property portal Rightmove. The rent increases are due to restricted supply of properties coming to the market to meet ever increasing 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.

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).