



FIRST-TIER TRIBUNAL  
PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)

Case Reference	:	CAM/22UE/MNR/2024/0148
Property	:	31a High Street Canvey Island Essex SS8 7RB
Applicant	:	Segun Akinyemi & Olabisi Temitope Bayode (Tenants)
Representative	:	None
Respondent	:	Dean Morton (Landlord)
Representative	:	Heale Property Management (Agent)
Type of Application	:	Section 13(4) Housing Act 1988
Tribunal Members	:	N Martindale FRICS
Date and venue of Hearing (On line)	:	6 January 2025 First Tier Tribunal (Eastern) County Court Cambridge CB1 1BA
Date of Decision	:	6 January 2025

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REASONS FOR DECISION

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Background

- 1 The First Tier Tribunal received an application dated 9 September 2024 from the tenants of the Property, regarding a notice of increase of rent served by the landlord, under S.13 of the Housing Act 1988 (the Act).

- 2 The notice, dated 4 September 2024, proposed a new rent of £1025 per calendar month, with effect from and including 30 November 2024. The passing rent was said to be £975 per calendar month.
- 3 The tenancy is an assured shorthold periodic monthly tenancy. A copy of the last tenancy agreement was provided. It began on 30 November 2021 when the rent was £925 pcm.
- 4 Directions were issued 21 October 2024 by Legal Officer Laura Lawless. A hearing was requested. The Tribunal does not routinely carry out inspections.
- 5 The Tribunal received an initial application. The Tribunal sent out its standard Reply Form to both landlord and tenant.
- 6 The Tribunal carefully considered and noted such representations as it received from both parties regarding the location layout size and condition of the Property and other available and let comparable properties in the location as supplied. The tenant provided some 9 monochrome pictures of aspects of and issues within, some of the rooms at the Property. The pack contained a copy of the 'sign in' pictures at the time of grant of the tenancy.
- 7 Both parties, the tenant in person and the landlord through their agent, attended an online hearing. They provided additional information, clarification and confirmation of details to the Tribunal. The Tribunal is grateful for the contributions from both parties in writing and at the hearing.

## Property

- 8 The Property is located to the west end of a short terraced block of a post war building to the High St, with commercial use ground floor and residential above. It was viewed externally using Google Streetview (data captures on June 2024 and side street August 2018). It is a large flat with accommodation on two levels; first floor and attic rooms above. The ground floor entrance from the pedestrian access across the rear yard, is shared with other residential accommodation adjacent. The ground floor under the adjacent flat is a restaurant/ take away; the ground floor under the Property, is a funeral director's office.
- 9 The building has a hipped double pitched main roof extending over the Property finished to single lap concrete tiles. The walls are rendered and finished in white. The windows appear to be plastic framed and double glazed. The building appears in good condition externally to the front and side street elevations.
- 10 The communal entrance is directly off the pavement to the rear yard. There is on street parking further down the side street, but restrictions immediately outside and apparently no dedicated off street parking let with the Property. Accommodation is on first floor – double bedroom,

living kitchen dining room, bathroom and basin, separate WC and on second floor/ attic space – double bedroom and a further storeroom beyond.

- 11 The landlord provided full gas fired central heating and hot water, double glazing, carpets but, no white goods. The tenant regarded the carpets as worn out however. Curtains appeared installed by the tenant.
- 12 The tenants provided some 9 monochrome pictures of the interior of some of the rooms at the Property. They drew attention to series of minor and some historic problems at the Property, some of which they had had to repair themselves, others were ongoing. In particular the tenants referred to the absence of ventilation from the small roof light to the second bedroom which was not opening; to an historic mouse infestation apparently from the ground floor restaurant adjacent; some cracking to walls; the absence of a door to the second bedroom to the doorway from the second floor and some plumbing issues.
- 13 The landlord's agent explained that some of the issues were historic and had been addressed and that others particularly the rooflight were under the control of the freeholder, another party. The landlord's agent also referred the Tribunal to rents sought and/or obtained in comparable properties adjacent at or around the valuation date.

#### Law

- 14 In accordance with the terms of S14 of the Housing Act 1988 we are required to determine the rent at which we consider the property might reasonably be expected to let in the open market, by a willing landlord, under an assured tenancy, on the same terms as the actual tenancy; ignoring any increase in value attributable to tenant's improvements and any decrease in value due to the tenant's failure to comply with any terms of the tenancy. Thus the Property falls to be valued as it stands; but assuming that the Property to be in a reasonable internal decorative condition.

#### Decision

- 15 The Tribunal determines that the Property has two bedrooms, though the latter with shortcomings and a separate attic storeroom adjacent. Based on the Tribunal's own general knowledge of market rent levels in and around Canvey Island, it determines that the subject Property would let on a normal Assured Shorthold Tenancy (AST) terms, for £1150 per calendar month, fully fitted and in good order. However it makes allowance for the various shortcomings. It notes the limitations on the small size and functionality of the window to the second bedroom (within the former attic), its fixed nature, not allowing ventilation. It also notes the worn nature of the carpets/ absence of carpets and white goods and a short series of minor or delayed repairs as indicative of future problems for a tenant.

- 16 For these shortcomings it makes a deduction of £125 per calendar month. The market rent is therefore determined at £1025 pcm.
- 17 The new rent will take effect from and including 30 November 2024, the effective start date given in the landlord's Notice. The Landlord is not obliged but, may charge a rent up to though not in excess of this figure.

Name: N. Martindale

Date: 6 January 2025

### 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 either party is dissatisfied with this decision, they may apply for permission to appeal to the Upper Tribunal (Lands Chamber) on any point of law arising from this Decision.

Prior to making such an appeal, an application must be made, in writing, to this Tribunal for permission to appeal. Any such application must be made within 28 days of the issue of this decision to the person making the application (regulation 52 (2) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rule 2013).

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).

## Notice of the Tribunal Decision and Register of Rents under Assured Periodic Tenancies (Section 14 Determination)

Housing Act 1988 Section 14

### Address of Premises

31a High St.  
Canvey Island  
Essex  
SS8 7RB

### The Tribunal members were

Mr N Martindale FRICS

### Landlord

Dean Morton

### Address

### Tenant

Segun Akinyemi & Olabisi Temitope Bayode

1. The rent is:£ 1025 Per pcm

2. The date the decision takes effect is:

30 November 2024

\*3. The amount included for services is negligible

nil

Per

Calendar  
month

\*4. Service charges are variable and are not included n/a

5. Date assured tenancy commenced

30 November 2021

6. Length of the term or rental period

Calendar monthly periodic

7. Allocation of liability for repairs

Per tenancy

8. Furniture provided by landlord or superior landlord

None

### 9. Description of premises

Flat on FF & SF shared hallway, over GF commercial use. FF space – Kitchen/ diner/ living room, bedroom, bathroom/ whb. WC. SF/ attic rooms - bedroom plus storage room. Full GFCH and Double glazing. No kitchen mech. Vent. L - worn carpets & no curtains and no white goods. Unfurnished. Some minor disrepair, no ventilation to second bedroom. Wall cracks, mice, **The Landlord is not obliged but may charge a rent up to but, not in excess of the figure in box 1.**

Chairman

N Martindale

Date of Decision

6 January 2025