



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

Case Reference : **HAV/00ML/MNR/2024/0620**

Property : **Flat 3 42 Grantham Road, Brighton,
East Sussex BN1 6EE**

Tenant : **Mr Jason Keeffe
c/o of CASE Central /BHT**

Landlord : **Mr Conrad Coombe**

**Date of Tenants
Objection** : **22 October 2024**

Type of Application : **Determination of a Market Rent
sections 13 & 14 of the Housing Act
1988**

Tribunal : **Mr D Jagger MRICS
Ms C Barton MRICS**

**Date of Summary
of Reasons** : **13 February 2025**

DECISION

**The Tribunal determines a rent of £840 per calendar month with
effect from 26 October 2024.**

SUMMARY REASONS

Background

1. On the 22 August 2024 the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £1,200 per month in place of the existing rent of £800 per month to take effect from 26 October 2024. The tenant states that he has lived at the property since December 2006, although a copy of the tenancy agreement was not produced by the parties.

2. Under Section 13(4)(a) of the Housing Act 1988, the Tenant referred the Landlord's notice proposing a new rent to the Tribunal for determination of a market rent. This Notice was dated the 22 August 2024.

Inspection

3. The Tribunal inspected the property on the morning of the 13 February 2025 in the presence of the Tenant and a member of Case. The property is a Victorian end of terrace house converted to form three flats, located in an established road within easy reach of Brighton city centre.. The property is suffering from chronic damp and associated mould to most rooms. The level of mould could certainly be considered a health hazard. It is a microscopic fungus that grows in damp places and can cause respiratory illness. The cause of the damp and mould is usually a mixture of the tenant's lifestyle and defects to the fabric of the building such as blocked gutters and damp to the brickwork trapped by the render and damaged flat roof.

Evidence

4. Directions were prepared by the Tribunal, and the Landlord subsequently made a Case Management request for his late submissions to be taken into account and this was approved by the Tribunal. The Landlord and the Tenant provided the Tribunal with completed Rent Appeal Statements which included photographs from both parties together with an extract from the electrical report dated 19 February 2024 and damp report dated 2 May 2023. No comparable evidence was provided by the parties.

5. The crucial initial question for the Tribunal to determine: is this a one or two bedroom flat? This matter has a significant impact on rental value. Originally, the property was a one-bedroom flat and the inspection revealed that in subsequent years a loft conversion has been formed to provide an additional room. The room is accessed via a steep timber staircase which is

considered a safety hazard. It is evident the conversion works were undertaken some time ago, possibly in the 1970s and as a consequence do not meet modern regulations. In particular fire safety standards. The doors on the exit route are not fire resistant with no integrated self closers, no mains smoke/fire alarms and the access staircase is unsuitable for permanent use. Therefore, occupation of this room is a fire hazard and certainly not fit for human habitation and should be used for storage only.

The Law

6. 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, partial exterior and any installations pursuant to section 11 of the Landlord and Tenant Act 1985 and the tenant for interior decoration and rainwater fittings.

Determination and Valuation

7. Having consideration of our own expert general knowledge of rental values in the Brighton area. The Tribunal consider that the open market rent for the property if it were in good marketable condition with reasonably modern kitchen and bathroom, modern services, carpets, curtains and white goods supplied by the landlord would be **£1,200** per month.

8. From this level of rent we have made adjustments in relation to: the damp and mould to the flat, cracking to the wall plaster, defective single glazed window units, dated kitchen and sanitary fittings and unsatisfactory electrical assessment which equates to **30% (£360 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.

Decision

9. The Tribunal therefore determined that 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 in its current condition is **£840** per calendar month.

10. The Tribunal directs the new rent of £840 per month to take effect on the 26 October 2024. This, being the date set out in the Landlord’s Notice of Increase.

APPEAL PROVISIONS

These summary reasons are provided to give the parties an indication as to how the Tribunal made its decision. If either party wishes to appeal this decision, they should first make a request for full reasons and the details of how to appeal will be set out in the full reasons. Any subsequent application for permission to appeal should be made on Form RP PTA