



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

Case reference : **HAV/21UF/MNR/2025/0652**

Property : **185 South Coast Road, Peacehaven, East
Sussex, BN10 8NS**

Applicant : **A Fazekas & M Telekes**

Representative : **None**

Respondent : **Mr & Mrs P Renouf**

Representative : **J Wagstaff & Company**

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 : **4th July 2025**

DECISION

Decision of the tribunal

- (1) The Tribunal determines that the rent that the property in its current condition as at the 1 April 2025 might reasonably be expected to achieve in the open market under an assured periodic tenancy in its condition on that date is **£1,040 per month.**

Background

1. The tenant has lived in the property as assured periodic tenant since the 21 March 2024 subject to an assured tenancy agreement for a period of 6 months which is now a periodic tenancy.
2. On the 26th February 2025 the Landlord served a notice pursuant to section 13(2) of the Housing Act 1988 seeking to increase the rent from £1,450 per month to £1,480 per month, being an increase of £30 effective from 1 April 2025.
3. By an application dated 21 March 2025, the tenant referred that Notice to the Tribunal for a determination of the market rent.
4. The Tribunal issued Directions on the 4 April 2025 setting out the conduct of the matter.
5. On the 20 May 2025 the Landlord's agent submitted an Application for Case Management to the Tribunal applying for permission to submit further evidence. On the 30 May 2025 Regional Surveyor J Coupe granted this request, and it was necessary for the Tribunal to undertake an inspection of the property.
6. The Tribunal considered the matter suitable for a determination on the papers and an inspection alone. Therefore, a hearing was not necessary. The parties did not disagree with this arrangement.

The Evidence

7. The Tribunal has before it a bundle of evidence extending to 201 pages 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, inventory and a survey dated 19 May from Sussex Damp Experts. The Landlord provided details of 3 rental comparables in the area ranging from £1,500 pcm through to £1,600 pcm. The Tribunal placed reasonable weight on this evidence, however one of these bungalows had three bedrooms, a second was detached and the other had a garage.

Inspection

8. The Tribunal inspected the property on the 4 July in the presence of Mr Fazekas, the Tenant. The property is a 1950's built semi detached bungalow with brick and render elevations under a pitched and tiled roof. The property is located significantly below road level and approached by a number of steps with a retaining wall in the front garden. There is an enclosed rear garden which has a gate on the flank boundary with the neighbouring possibly providing a right of way. There is a hard standing parking area adjacent the rear boundary which provides non-allocated parking.
9. The property is located on a busy mixed road with an Esso garage opposite.
10. The accommodation comprises: 2 bedrooms, living room, kitchen and bathroom. There are basic electric panel heaters to some rooms. (It should be noted three additional heaters have recently been installed subsequent to the date of valuation) The property has UPVC double glazed windows. It is stated by the landlord that the bungalow was refurbished in 2023 with the installation of new kitchen and bathroom fittings, new carpets, floor coverings and integrated hob and oven.

The Law

11. 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

12. 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 **£1,480** per month. This figure is based upon the comparable evidence provided by the landlord and the Tribunal's professional judgement and experience.

13. Next, the principal matter for the Tribunal to consider is ongoing issues with internal damp and mould to the main walls. It is evident this is due to a combination of factors. Namely the overflow of drainage effluent via an inspection chamber in the front garden. The location of the property below road level causing localised flooding during heavy rainfall and the defective heating system.
14. A great deal of evidence has been presented to the Tribunal concerning the history of these events and it is evident that communications between the parties have clearly broken down necessitating the involvement of third parties. The Tribunal has no jurisdiction to consider these subsidiary matters but must consider the consequences of the damp issues.
15. This is an unfortunate set of circumstances, and the Tribunal do have some sympathy for the Tenant and his mother. The task for the Tribunal is consider the rental value of the property at the date of valuation when these issues were ongoing and clearly represented a health hazard to the Tenant.
16. The Tribunal has considered carefully the party's submissions and using its own expertise, we consider a deduction of **£440** per month should be applied to take into account no white goods other than a hob and oven, defective heating system, significant damp and mould to the main walls with exception of the living room and overflowing drains with effluent and raw sewage discharging into the garden. This reduces the rental figure to **£1,040** per month. 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.

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).