



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

**Case Reference** : **CHI/21UG/MNR/2021/0096**

**Property** : **1 St Thomas Close, West Parade, Bexhill on  
Sea, East Sussex TN39 3YA**

**Applicant** : **Mrs L Fuller (Tenant)**

**Respondent** : **Mrs K and Ms L Thirkettle  
Bates (Landlords) c/o Lynxlets**

**Date of Application** : **27th August 2021**

**Type of Application** : **Sections 13 and 14 of the Housing Act 1988**

**Tribunal** : **Mr R T Brown FRICS Chairman  
Mr S Hodges FRICS  
Mr P Smith FRICS**

**Date** : **14th October 2021**

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**REASONS FOR DECISION**

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### ***Background***

1. The Tribunal gave formal notice of its decision by a Notice dated 14th October 2021 in the sum of **£880.00 per calendar month (pcm)**.
2. By an application dated 14th August 2021, the tenant of the above property referred a notice of increase in rent served by the landlord under section 13 of the Housing Act 1988 to the Tribunal.
3. The landlord's notice dated the 16th April 2021 proposed a rent of **£880.00 pcm** with effect from 22nd August 2021, in place of the current rent of £780.00 pcm.
4. The tenancy is an assured shorthold tenancy. The agreement is in common form and commenced on 22nd November 2018. The tenancy is subject to the Landlord's repairing obligations defined in Section 11 the Landlord and Tenant Act 1985.

### ***Property and Inspection***

5. Following the Directions dated 27th August 2021 and the explanation contained therein, the Tribunal did not inspect the premises.
6. Extracting such information as it could from the papers supplied to the Tribunal by the parties, by reference to information publicly available on the internet and with the benefit of its knowledge and experience the Tribunal reached **the following conclusions and found as follows:**
7. The property is located on a seafront residential road.
8. The property comprises a self contained ground floor flat.
9. The accommodation comprises: living room, small sun room, kitchen/diner, 2 bedrooms, bathroom and WC. Garage and communal gardens.
10. Carpets, curtains, washing machine, fridge, cooker and dishwasher are included.
11. The Tribunal understands that all mains services are connected. Hot water is included.

### ***Hearing***

12. A hearing was not requested.

### ***Documents supplied to and considered by the Tribunal***

13. Tribunal Directions dated 27th August 2021.
14. Landlord: Reply Form.
15. Tenant: Application Form, Notice of Increase, Tenancy Agreement.

### ***Landlord's Representations (summarised):***

16. The Landlord says:

- a) Confirms the accommodation.
- b) Completely refurbished in 2011 including new kitchen and bathroom.
- c) Common parts are maintained by the management company and a service charge is paid.
- d) The flat is in prime location 100 metres from the seafront in a well maintained and desirable block.
- e) 6 comparables are included. 5 are at rents above £880.00 pcm the 6th is at £825.00 pcm but located above a commercial property in a less desirable location.
- f) The rent has not been increased since 2018. The proposed rent is reasonable bearing in mind the features of the property and the fact hot water is included in the rent. The Landlord is confident that if the property were remarketed today it would achieve a rent of £880.00. pcm.
- g) Black and white 'inventory' photographs are attached to the Reply Form.

***Tenant's Representations (summarised)***

17. In the Application the tenant says:

- a) Hot water supply is included in the rent.

18. The Tenant makes no submission in respect of the proposed rent nor provides comparable evidence.

***The Tribunal's Deliberations***

19. The Tribunal is required to determine 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. The Tribunal does not take into consideration the personal circumstances of the Landlord or Tenant in making its determination (including issues between Landlord and Tenant which do not affect the rental value of the property itself).

20. The Tribunal found as a matter of fact that the notice of rent increase was a Notice under section 13 as prescribed by Statute.

21. The Tribunal checked the National Energy Performance Register and noted that the subject property has a certificate registering the property at E expiring on 29th November 2021. The legal minimum standard for letting a property is Rating E.

22. Based on the knowledge of its members, the Tribunal finds that the market for this type of property is very sensitive to condition and inventory.

23. The Tribunal, acting as an expert tribunal, determined what rent the landlord could reasonably be expected to obtain for the subject property in the open

market if it were let today in the condition and subject to the terms of such a tenancy that is considered usual for such an open market letting. It did this by having regard to the evidence supplied by the parties and the Tribunal's own general knowledge of market rent levels. The Tribunal noted the parties comments on the comparable and the accommodation provided. Having done so, it concluded that a likely market rent for a similar modernised property in fair condition with central heating, modern bathroom and kitchen facilities, floor coverings, curtains, all white goods and an EPC Rating above F would be **£900.00 pcm.**

24. The Tribunal, after careful consideration of the current market conditions and the apparent condition of the subject property being at the standard that would usually be expected for a property of this type. The Tribunal is surprised that a property such as this has an EPC of E. Accordingly the Tribunal makes a small deductions £20.00 pcm to reflect this matter.
25. Accordingly the Tribunal determined that the market rent for the subject property is **£880.00 pcm.**
26. The rent will take effect from 22nd August 2021 being the date specified by the landlord in the notice of increase.

### ***Relevant Law***

27. Sections 13 and 14 of the Housing Act 1988.
28. Assured Tenancies and Agricultural Occupancies (Forms) (England) Regulations 2015 (SI 2015 No.620)

### **RIGHTS OF APPEAL**

1. A person wishing to appeal this decision (on a point of law only) to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case. Where possible you should send your application for permission to appeal by email to [rpsouthern@justice.gov.uk](mailto:rpsouthern@justice.gov.uk) as this will enable the First-tier Tribunal Regional office to deal with it more efficiently.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.

