



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

Case Reference : **CHI/00MW//MNR/2021/0130**

Property : **8 Southland Mews, 65 Park Road, Isle of Wight PO33 2FQ**

Applicant : **Ms S J Cole (Tenant) C/o
Glanvilles Damant Ltd.**

Respondent : **Mr S Lee-Son (Landlord).**

Date of Application : **2nd November 2021**

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

Tribunal : **Mr R T Brown FRICS Chairman
Mr S J Hodges FRICS
Mr M J F Donaldson FRICS MCI Arb
MAE**

Date : **4th January 2022**

REASONS FOR DECISION

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Background

1. The Tribunal gave formal notice of its decision by a Notice dated 4th January 2022 in the sum of **£895.00 per calendar month (pcm)**.
2. By an application dated 2nd November 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 30th September 2021 proposed a rent of **£895.00 pcm** with effect from 4th November 2021, in place of the current rent of £750.00 pcm.
4. The tenancy is an assured shorthold tenancy. The tenancy agreement is in common form and is dated 15th November 2017. 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 17th November 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 in a residential area.
8. The property comprises a late 1970s centrally heated, double glazed detached house.
9. The accommodation comprises: Ground Floor: 1 reception room, kitchen/diner and w.c. First Floor: 2 bedrooms and bathroom. Outside: garden and allocated off street parking.
10. The property is let unfurnished but with washing machine, dishwasher, cooker, fridge freezer and carpets.
11. The Tribunal assumed that all mains services are connected.

Hearing

12. A hearing was not requested.

Documents supplied to and considered by the Tribunal

13. Tribunal Directions dated 17th November 2021.
14. Landlord: Tribunal Reply Form.
15. Tenant: Application and Reply Forms, Letter from Glanvilles Damant, Notice of Increase and Tenancy Agreement.

Landlord's Representations (summarised):

16. The Landlord says in the Reply Form and attachments:

- a) In 2014/2015 Landlord undertook a refurbishment of the property including new roof covering, dormers, fitted kitchen, new bathroom, re-plastering and floor coverings.
- b) The property is in an ideal location, walking distance of Ryde centre and beach.
- c) A rent higher than the proposed £895.00 could now be achieved.
- e) Attached are photographs of the subject property.

Tenant's Representations (summarised)

- 17. In the Application Form the Tenant' representative confirmed the details of the accommodation.
- 18. In relation to repairs the Landlord has not completed repairs and there are outstanding matters relating to the gas boiler and water leaks.
- 19. Isle of Wight Council issued a schedule of outstanding matters on 27th October 2021:
 - a) Disrepair to shower
 - b) Evidence of water leak to bath and all sinks.
 - c) No mechanical extraction in Bathroom.
 - c) Only one handrail to staircase.
 - d) Electric consumer unit non compliant with current regulations.
- 20. In relation to the proposed increase the Tenant accepts an increase is due but states that in neighbouring properties in Southland Mews, owned by the same landlord, there have been increases increases of between £25.00 and £50.00 pcm.
- 21. Properties offering similar accommodation are available at rents ranging from £625.00 to £825.00 pcm. A property in Winston is considered closest in size at £775.00 pcm.
- 22. The Landlord is responsible for keeping in repair the structure and exterior of the property (including drains, gutters and external pipes) and to keep in repair and proper working order the installations in the property for the supply of water, sewage, gas, electricity and for sanitation (including basins, sinks, baths and sanitary conveniences) and the installations at the property for space heating and heating water *which we believe would be the same for the current rentals.*

The Tribunal's Deliberations

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

24. 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 personal circumstances of the Tenant or Landlord are not relevant to this issue.
25. The Tribunal checked the National Energy Performance Register and noted that the subject property has a certificate registering the property at C expiring on 19th December 2031. The legal minimum standard for letting a property is rating E.
26. 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.
27. 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. Having done so, it concluded that such a likely market rent for a similar modernised property in fair condition with modern central heating, modern bathroom and kitchen facilities, floor coverings, cooker, washing machine and an EPC Rating above F would be **£895.00 pcm.**
28. The Tribunal, after careful consideration of the current market conditions and the apparent condition of the subject property (as shown in the Landlord's photographs) determined to make no deduction in respect of those works identified by the Tenant.
29. Accordingly the Tribunal determined that the market rent for the subject property is **£895.00 pcm.**
30. The rent will take effect from 4th November 2021 being the date specified by the landlord in the notice of increase.

Relevant Law

31. Sections 13 and 14 of the Housing Act 1988.
32. 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 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.