



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

**Case Reference** : **CHI/43UE/MNR/2021/0038**

**Property** : **The Bungalow, Ahed Depot, Reigate Road, Hookwood, Horley, Surrey RH6oHF**

**Applicant** : **Mr C D Corey**

**Respondent Ltd.** : **St Marylebone Property Company C/o White and Sons**

**Date of Application** : **1st April 2021**

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

**Tribunal** : **Mr R T Brown FRICS Chairman  
Mr M J Ayres FRICS  
Mr J Reichel BSc MRICS**

**Date** : **3rd June 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 3rd June 2021 in the sum of **£952.83 per calendar month (pcm)**.
2. By an application dated 1st April 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 18th March 2021 proposed a rent of **£950.00 pcm**, with effect from 1st May 2021, in place of the current rent of £890.00 pcm.
4. The tenancy is an assured shorthold tenancy. There is no tenancy agreement but the agreement is said to have commenced on the 8th July 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 30th April 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 (including the previous Tribunal determination), 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 an industrial estate in the Ahed Depot, off Reigate Road, Brookwood, Horley, Surrey.
8. The property comprises a single glazed detached bungalow without central heating or parking.
9. The accommodation comprises: 1 reception room, kitchen, 3 bedrooms, bathroom and w.c. Outside garden and footpath to highway.
10. There are no carpets, curtains or white goods included in the Tenancy. Heating is by way of calor gas and electric radiators provided by the tenant.
11. The Tribunal is informed that mains drainage, water, electricity are connected.

### ***Hearing***

12. A hearing was not requested.

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

13. Tribunal Directions dated 23rd February 2021.
14. Landlord: Tribunal Reply Form and representations.

15. Tenant: Application Form, Notice of Increase and Reply Form.

### ***Landlord's Representations***

16. The Landlord says in the Reply Form and witness statement (summarised):
17. Water and sewerage are provided through the Landlord's supply and are assessed at £165.00 pcm. Electricity is also provided by the Landlord via a check meter and currently assessed at £157.83 pcm.
18. The current rent was set by the First-tier Tribunal with effect from 1st April 2019 at £890.00 pcm.
19. By assessing the rent against the percentage increase set by the Rent Officer in respect of Fair Rents (Rent Act 1977) an increase of 6.50% is calculated.
20. By comparing with current market rent lettings a rent of £1385.00 pcm is appropriate after adjusting for various factors.
21. The agent concludes that an increase to £950.0 pcm is fair and reasonable. This equates to an increase of 6.74%.

### ***Tenant's Representations***

22. In the Reply Form the tenant states that the Landlord has repaired the front fence.
23. No representations are made about the level of the rent proposed by the Landlord.

### ***The Tribunal's Deliberations***

24. The Tribunal may proceed to determine the rent at which it considers the subject property might reasonably be expected to let on the open market by a willing landlord under an assured tenancy.
25. The Tribunal found as a matter of fact that the notice was a Notice under section 13 as prescribed by Statute.
26. 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.
27. The Tribunal checked the National Energy Performance Register and noted that the subject property has no certificate registered. The legal minimum standard for letting a property is rating E.
28. 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. The subject property appears to the Tribunal to be in condition that might not immediately appeal to a prospective tenant. In particular the lack of double glazing, central heating, white goods and

carpets. Further there is no evidence presented to suggest that the property has been modernised in any way since the previous Tribunal inspected the property in 2019. The location of the property in an industrial estate without parking is unattractive.

29. 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 central heating, modern bathroom and kitchen facilities, floor coverings, curtains and an EPC Rating above F would be **£1,400.00 pcm.**
30. The Tribunal, after careful consideration of the current market conditions and the apparent condition of the subject property,
31. The Tribunal made the following deductions:
  - a) Lack of central heating £80.00
  - b) Lack of carpets and curtains £50.00
  - c) General external disrepair (single glazing and poor external decoration) £50.00
  - d) Lack of white goods £35.00
  - e) Un-modernised kitchen and bathroom £85.00
  - f) Internal decorating liability (arising out of the lack of tenancy agreement) £50.00
  - f) Unattractive location in an industrial estate £420.00
32. A total deduction of £770.00.
33. However we understand from the papers that water and sewage are included in the rent at a monthly cost of £165.00 and further electricity is included at £157.83 pcm. A total of £322.83.
34. Accordingly the Tribunal determined that the market rent for the subject property is **£952.83.00 pcm.**
35. The rent will take effect from 1st May 2021 being the date specified by the landlord in the notice of increase.

### ***Relevant Law***

36. Sections 13 and 14 of the Housing Act 1988.
37. 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