



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

Case reference : **LON/00BG/MNR/2019/0081**

Property : **6 Maria Terrace, London E1 4NE.**

Applicant : **Miss. J. Sandler.**

Representative : **In person.**

Respondent : **Boligold.**

Representative : **McDowells.**

Type of application : **Decision under S.14 Housing Act 1988.**

Tribunal member(s) : **Ms. A. Hamilton-Farey LLB, FRICS,
Ms. J. Dalal**

Venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **20 September 2019.**

REASONS FOR THE DECISION

Decision:

The Tribunal determines the market rent for the subject property at £16.25 per week with effect from 9 August 2019.

Background:

1. By a Notice dated 24 June 2019, the landlord sought an increase in rent under S.13 of the Housing Act 1988. The landlord proposed that the rent should increase from £20.00 to £600.00 per week with effect from 9 August 2019.
2. By an application dated 1 July 2019 the tenant, Miss Sandler, sought a determination of the rent payable under her tenancy.
3. This matter has been before the tribunal on several occasions. Each year the landlord has served a Notice under S.13 to increase the rent to £600.00 per week. On each occasion previously, the relevant tribunal has set a rent substantially lower, reflecting the very poor condition of the house.
4. It is not disputed that the tenant succeeded to this tenancy by a Court Order handed down on 21 June 2007. In that Order the judge confirmed the start of the tenancy as 12 November 1999 (a Friday).
5. The tribunal is satisfied that the Notice of Increase is valid and proceeded to inspect the property to set the rent.
6. Prior to that inspection, the tribunal had issued directions for the further conduct of this matter. They required the parties to provide any evidence on which they wished to rely, including rents for comparable properties. No evidence was received from the landlord, but the tenant supplied documents from the local authority dated 2013 in which various deficiencies in the property had been identified. Including Category 1 hazards under the Housing Health and Safety Rating System (HHSRS). It did not appear to the tribunal during their inspection that any of those works had been attended to since the letter had been sent.

The inspection:

7. The tribunal inspected the property. We found it to be a three storey mid-terraced house in a popular area, close to amenities. The house however is in an appalling condition. It lacks most of the basic amenities that would be required before the landlord would be able to achieve the rent identified in the S.13 Notice.
8. The property has been well described in previous tribunal decisions, and do not require repeating here, except to say that, since the last determination of rent in September 2018 at £20.00 per week, the property has deteriorated further. Ceilings in the loft bedrooms are

damaged and in places missing; there are signs of water penetration through the roof to the top floors, large cracks to flank walls and very poor woodwork to windows, doors and flooring. In addition, the house has no hot water, bathroom or heating.

9. It is difficult to see how the property could attract an increase in rent, and it is doubtful whether the property would be rentable in the current market. However, the tribunal considers that some tenants would be willing to take on such a tenancy at a discounted rate, on the basis that they could carry out their own improvements. The property must be valued as per its condition on inspection, but assuming that it is in a reasonable internal decorative condition.

Decision:

10. Using the tribunal's own general knowledge of the market and market rent levels in Tower Hamlets, but reflecting the very poor condition of the property and further deterioration since the last rent determination, we determine that the rent at which the property might reasonably be expected to be let on the open market would be £16.25 per week. The effective date for the new rent is in accordance with the Notice under S.13, being 9 August 2019.

Name: Aileen Hamilton-Farey **Date:** 20 October 2019

Housing Act 1988 c. 50

s. 14 Determination of rent by tribunal.

14.— Determination of rent by [tribunal]¹ .

(1) Where, under subsection (4)(a) of section 13 above, a tenant refers to [the appropriate tribunal]² a notice under subsection (2) of that section, the [appropriate tribunal]³ shall determine the rent at which, subject to subsections (2) and (4) below, the [appropriate tribunal]³ consider that the dwelling-house concerned might reasonably be expected to be let in the open market by a willing landlord under an assured tenancy—

- (a) which is a periodic tenancy having the same periods as those of the tenancy to which the notice relates;
- (b) which begins at the beginning of the new period specified in the notice;
- (c) the terms of which (other than relating to the amount of the rent) are the same as those of the tenancy to which the notice relates; and
- (d) in respect of which the same notices, if any, have been given under any of Grounds 1 to 5 of Schedule 2 to this Act, as have been given (or have effect as if given) in relation to the tenancy to which the notice relates.

(2) In making a determination under this section, there shall be disregarded—

- (a) any effect on the rent attributable to the granting of a tenancy to a sitting tenant;
- (b) any increase in the value of the dwelling-house attributable to a relevant improvement carried out by a person who at the time it was carried out was the tenant, if the improvement—
 - (i) was carried out otherwise than in pursuance of an obligation to his immediate landlord, or
 - (ii) was carried out pursuant to an obligation to his immediate landlord being an obligation which did not relate to the specific improvement concerned but arose by reference to consent given to the carrying out of that improvement; and
- (c) any reduction in the value of the dwelling-house attributable to a failure by the tenant to comply with any terms of the tenancy.

(3) For the purposes of subsection (2)(b) above, in relation to a notice which is referred by a tenant as mentioned in subsection (1) above, an improvement is a relevant improvement if either it was carried out during the tenancy to which the notice relates or the following conditions are satisfied, namely—

- (a) that it was carried out not more than twenty-one years before the date of service of the notice; and
- (b) that, at all times during the period beginning when the improvement was carried out and ending on the date of service of the notice, the dwelling-house has been let under an assured tenancy; and
- (c) that, on the coming to an end of an assured tenancy at any time during that period, the tenant (or, in the case of joint tenants, at least one of them) did not quit.

(4) In this section “rent” does not include any service charge, within the meaning of section 18 of the Landlord and Tenant Act 1985 , but, subject to that, includes any sums payable by the tenant to the landlord on account of the use of furniture [, in respect of council tax]⁶ or for any of the matters referred to in subsection (1)(a) of that section, whether or not those sums are separate from the sums payable for the occupation of the dwelling-house concerned or are payable under separate agreements.

(5) Where any rates in respect of the dwelling-house concerned are borne by the landlord or a superior landlord, the [appropriate tribunal]⁷ shall make their determination under this section as if the rates were not so borne.

(6) In any case where—

(a) [the appropriate tribunal]⁸ have before them at the same time the reference of a notice under section 6(2) above relating to a tenancy (in this subsection referred to as “the section 6 reference”) and the reference of a notice under section 13(2) above relating to the same tenancy (in this subsection referred to as “the section 13 reference”), and

(b) the date specified in the notice under section 6(2) above is not later than the first day of the new period specified in the notice under section 13(2) above, and

(c) the [appropriate tribunal]⁹ propose to hear the two references together,

the [appropriate tribunal]⁹ shall make a determination in relation to the section 6 reference before making their determination in relation to the section 13 reference and, accordingly, in such a case the reference in subsection (1)(c) above to the terms of the tenancy to which the notice relates shall be construed as a reference to those terms as varied by virtue of the determination made in relation to the section 6 reference.

(7) Where a notice under section 13(2) above has been referred to [the appropriate tribunal]¹⁰ , then, unless the landlord and the tenant otherwise agree, the rent determined by [the appropriate tribunal]¹¹ (subject, in a case where subsection (5) above applies, to the addition of the appropriate amount in respect of rates) shall be the rent under the tenancy with effect from the beginning of the new period specified in the notice or, if it appears to [the appropriate tribunal]¹² that that would cause undue hardship to the tenant, with effect from such later date (not being later than the date the rent is determined) as the committee may direct.

(8) Nothing in this section requires [the appropriate tribunal]¹³ to continue with their determination of a rent for a dwelling-house if the landlord and tenant give notice in writing that they no longer require such a determination or if the tenancy has come to an end.

(9) This section shall apply in relation to an assured shorthold tenancy as if in subsection (1) the reference to an assured tenancy were a reference to an assured shorthold tenancy.

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).

