



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

Case reference : **KA/LON/00BE/MNR/2019/0161**

Property : **35 Lugard Road, London SE15 2TB**

Applicant : **Mr S Rowland**

Representative : **In Person**

Respondent : **Grainger Finance Company Ltd**

Representative : **Grainger PLC**

Type of application : **Market Rent under s13 of the
Housing Act 1988**

Tribunal member(s) : **Mr A Harris LLM FRICS FCI Arb
Mr L Packer**

**Date and venue of
hearing** : **21 February 2020 at 10 Alfred
Place, London WC1E 7LR**

Date of decision : **21 February 2020**

DECISION

Decisions of the tribunal

- (1) The tribunal determines that the market rent is £240.00 (two hundred and forty pounds) per calendar week.
- (2) The tribunal makes the determinations as set out under the various headings in this decision.

The application

1. The applicant seeks a determination pursuant to sections 13 & 14 of the Housing Act 1988 following the service of a notice by the landlord proposing a rent increase to £265.00 per month.

Background

2. On 21 November 2019 the landlord served a notice of rent increase proposing a new rent of £265.00 per week in place of the existing rent of £245.00 per week. The starting date for the new rent would be 13 January 2020.
3. On 5 December 2019 the tenant, Mr Rowland, made an application to this tribunal challenging the increase. The application included a list of works which the tenant has carried out since the tenancy commenced in 2010. These include a refitted kitchen, redecoration when needed, installing central heating and plaster repairs.
4. The tribunal has received written representations from the landlord.
5. An inspection was made on 21 February 2020 with the tenant in attendance. There was no appearance by the landlord.

Inspection

6. Lugard is a well-located property with good access to public transport at Queens Road. The house is a mid-terrace late Victorian property with brick external walls beneath a mixed slated and tiled roof. Windows have been replaced with double glazed units.
7. First floor accommodation is two rooms and a bathroom without a WC and on the ground floor three rooms kitchen and WC.
8. Central heating was installed by the current tenant and the previous external WC was converted to an internal WC but with no wash hand basin. The kitchen is small and has been refitted by the tenant. At or in the flank wall of the back edition has not been blocked in. Much of the

wiring is surface run and the main wiring inlet to the meters is exposed. The gas main is also unprotected.

9. The tribunal noted a previous history of roof leaks which have been remedied but tiles were missing on the rear roof slope and the slated back extension roof is in poor order. Damp marking on the rear wall appears to indicate a current gutter leak. External paintwork is in poor condition.
10. The tribunal noted the following matters. The property as let by the landlord and, disregarding tenant's improvements, is in moderate internal and external repair. The house as let requires modernisation. The tenancy is a succession tenancy and the installation of a bathroom without a WC carried out by the Tenant's father is not disregarded
11. The kitchen was refitted by the tenant and is in good condition. White goods belong to the tenant.
12. The house has been redecorated by the tenant and is in good decorative order.

The landlord's evidence

13. The landlord has supplied three comparables:
14. Kincaid Road, SE 15 is a two-bedroom flat with one reception room bathroom and garden let at a rent of £1550 per month.
15. In Lugard Road a two-bedroom one reception room one bathroom house has let at a rent of £1600 per month.
16. A flat in Astbury Lodge SE 14 with two bedrooms one reception room and bathroom has let at a rent of £1733 per month.

The Law

17. The tribunal must first determine that the landlord's notice under section 13(2) satisfied the requirements of that section and was validly served.
18. The Housing Act 1988, section 14 requires the tribunal to determine the rent at which it considered that the subject property might reasonably be expected to be let on the open market by a willing landlord under an assured tenancy.
19. In so doing the tribunal, is required by section 14(1), to ignore the effect on the rental value of the property of any relevant tenant's

improvements as defined in section 14(2) of that Act. Any improvements made during the previous regulated tenancy are no longer disregarded.

Valuation

- 20. No rental evidence had been put forward by the tenant.
- 21. Rental evidence was supplied by the landlord. The tribunal was unable to place weight on the evidence of flats which are fundamentally different from a house.
- 22. The tribunal placed substantial weight on the landlord’s evidence of another letting in Lugard Road with broadly similar accommodation. The tribunal considered this evidence, and also used its own knowledge and experience.
- 23. The tribunal considered that the house, modernised and in good repair and with the amenities required by the market would let at a rent of £1600.00 per calendar month. The tribunal then adjusted for the lack of modernisation and amenities and considered that a deduction of 35% was appropriate. The calculation is set out below

		PCM
Market rent		£ 1,600.00
less condition	35.00%	<u>-£ 560.00</u>
		£ 1,040.00
less scarcity	0%	<u>£ -</u>
Market rent		£ 1,040.00
Market rent per week		£ 240.00

Effective date

24. Under s14 (7) of the Housing Act 1988 the effective date of the decision would normally be the date shown on the application unless there is hardship to the tenant.
25. The tribunal received no evidence of hardship and therefore the effective date of the decision is 13 January 2020.

Name: A P Harris LLM FRICS FCI Arb **Date: 21 February 2020**
Valuer Chair

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).