



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

**Case reference** : **LON/00AM/MDR/2020/0002**

**Property** : **15 Blakeney Close, London, E8 2HQ**

**Applicant** : **Ms Nyimasata Ceesay**

**Representative** : **In Person**

**Respondent** : **Miss Carmen Rhoden**

**Representative** : **In Person**

**Type of application** : **Market Rent under s13 & 14 of the  
Housing Act 1988**

**Tribunal member(s)** : **Mr A Harris LLM FRICS FCIArb**

**Date and venue of  
hearing** : **2 October 2020**

**Date of decision** : **2 October 2020**

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**REASONS FOR THE DECISION**

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### **Decisions of the tribunal**

- (1) The tribunal determines that the market rent is £1800.00 (one thousand eight hundred pounds) per calendar month.
- (2) The tribunal makes the determinations as set out under the various headings in this decision.
- (3) The case has been determined on the papers and evidence put forward by the parties. The property was not inspected.

### **The application**

1. The applicant seeks a determination pursuant to section 13 & 14 of the Housing Act 1988 following the service of a notice by the landlord proposing a rent increase to £2400.00 per month.

### **Background**

2. On 10 February 2020 the landlord served a notice of rent increase proposing a new rent of £1560.00 per month in place of the existing rent of £1410.00 per month. The starting date for the new rent would be 19 March 2020.
3. On 9 March 2020 the tenant, Ms Nyimasata Ceesay, made an application to this tribunal challenging the increase.

### **The property**

4. The subject property is a 3 Storey mid-terrace house with 2 living room, 3 bedrooms, bathroom and kitchen.
5. Under the terms of the tenancy the tenant is to keep the interior of the property and contents in a clean condition and repair as at the commencement of the tenancy, fair wear and tear excepted. The landlord is responsible for repairs under sections 11 and 12 of the Landlord and Tenant Act 1985.

### **The tenant's evidence**

6. The tenants have submitted an application to the tribunal and correspondence relating to the Landlords desire to retake possession of the house. The tribunal has no jurisdiction over this.
7. No rental evidence has been put forward

### **The landlord's case**

8. The bundle includes various documents showing the Landlord is seeking possession of the house. This is not a matter over which the tribunal has any jurisdiction.
9. No rental comparable evidence has been put before the tribunal

### **The Law**

10. The Tribunal must first determine that the landlord's notice under section 13(2) satisfied the requirements of that section and was validly served.
11. 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.
12. 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**

13. In the absence of any rental evidence put forward by both parties, the tribunal relies its own knowledge and experience.
14. The tribunal considers that if let in the open market on the terms of the tenancy, the property would achieve a rent of £1800 per calendar month.

### **Effective date**

15. 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.
16. On the evidence submitted by the tenant, the tribunal finds evidence of hardship and therefore the effective date of the decision is the date of the decision which is 2 October 2020.

**Name:** A P Harris LLM FRICS FCI Arb  
Valuer Chair

**Date: 19 November 2020**

### **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).