



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

Case reference : **LON/00BE/MNR/2020/0065**

Property : **84 Hicks House, Fream Street, London
SE16 4AS.**

Applicant : **Mr. S. Peart**

Representative : **In person.**

Respondent : **Hyde Housing Association**

Representative : **In person**

Type of application : **Decision following referral of a Notice
of Rent Increase under S.13 the Housing
Act 1988.**

Tribunal member(s) : **Ms. A. Hamilton-Farey**

Venue : **Remote**

Date of decision : **13 November 2020.**

**DECISION OF THE TRIBUNAL FOLLOWING REFERRAL OF A
NOTICE OF INCREASE IN RENT UNDER s.13 HOUSING ACT 1988.**

DECISION OF THE TRIBUNAL

1. The tribunal determines the market rent of the property at £750.00 per calendar month. The date the determination takes effect is 1 July 2020.

BACKGROUND:

2. The landlord served a Notice of Increase on the tenant, Mr. Peart on or around 10 February 2020, proposing a rent increase from £1,370.00 to £1,950.00 per calendar month, with effect from 1 April 2020. Subsequently, the landlord

wrote to the tenant to say that the rent increase would be delayed until 1 July 2020 because of the effect of the COVID-19 Pandemic.

3. The tenant referred that notice to the tribunal and directions were issued around 29 July 2020, that required the parties to supply a statement of case and details of any evidence on which they wished to rely to support their respective cases.
4. Both parties supplied a statement and evidence on which they wished to rely. In addition, the tenant sent in details of comparable rents for what he said are better quality properties, and also several photographs of his flat and surrounding block.
5. Neither party requested a hearing, and the matter was dealt with on the papers provided.

The Tenant's Evidence:

6. Mr. Peart set out his evidence. It was his case that he had suffered serious disruption and inconvenience due to the fire safety works that were being carried out to the block, and which were instigated by the landlord following the Grenfell Fire and the discovery on the block of flammable materials and lack of fire stopping in the construction. Mr. Peart produced photographs showing the scaffolding that surrounded the building, made the use of his balcony impossible and restricted his light and privacy. He said that contractors had damaged his belongings on the balcony and that building works commenced generally at 8.00am until 17.00pm every day. He also said that despite being informed that the works would be completed by the end of October 2019, they had not been. It appears that, following an update from the landlord, works were due to be completed by April 2020, but were still apparently outstanding at the time of the tenant's application to the tribunal.
7. In addition to the above, Mr. Peart produced Rightmove listings for properties of a similar size in the locality with rents from £1,400 to £1,650.00 per month.

The Landlord's Case:

8. The landlord provided similar Rightmove listings to support their claim for an increase in rent but did not address any of the issues highlighted by Mr. Peart, that had occurred or were still apparently present in the block.
9. The landlord made no comment regarding the fire safety works, and in the circumstances the tribunal must take into consideration the submissions made by the tenant.

Reasons for the tribunal's decision:

10. The tribunal's jurisdiction is to determine what the market rent for the property would be in its current condition and as at the date of the proposed increase in rent.

11. The property still appears to have issues with fire safety. In the circumstances the tribunal is of the view, that many tenants would not willingly rent such a property unless the rent was substantially discounted. The disruption of having scaffolding surrounding a building, with workers on site every day, would also be a disincentive to renting. In addition to these factors, the parties must be aware that since the start of the pandemic, rents in London in particular have decreased as tenants have vacated and either returned home, or have negotiated lower rentals, from landlords who wish to keep tenants in situ.
12. The tribunal finds that any tenant looking for a property would question the reason for the scaffold and on being told that the property required fire safety works, would bid less than 50% of the rent passing. In the circumstances, the tribunal determines the market rent for the property in its current condition, without works having been completed at £750.00 per calendar month.

Name: A. Hamilton-Farey

Date: 13 November 2020.