



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

**Case reference** : **LON/00AG/MNR/2021/0004**

**HMCTS code (paper, video, audio)** : **P: PAPERREMOTE**

**Property** : **Flat 30, Dibdin House, Maida Vale, London W9 1QE**

**Applicant** : **Mr & Mrs Kinsella**

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

**Respondent** : **Grainger Invest No 1 LLP**

**Representative** : **None**

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

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

**Date and venue of hearing** : **28 June 2021 at 10 Alfred Place, London WC1E 7LR**

**Date of decision** : **28 June 2021**

---

**DECISION**

---

## **Covid-19 pandemic: description of hearing**

This has been a remote hearing on the papers which has been consented to by the parties. The form of remote hearing was P: PAPERREMOTE. A face-to-face hearing was not held because it was not practicable and all issues could be determined on paper. The documents that I was referred to are the notice of increase, the application and covering correspondence and submissions from the Tenant the contents of which the tribunal have noted

## **Decisions of the tribunal**

- (1) The tribunal determines that the market rent is £1850.00 (one thousand eight hundred and fifty pounds) per calendar month.
- (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 section 13 & 14 of the Housing Act 1988 following the service of a notice by the landlord proposing a rent increase to ££2100.00 per month.

## **Background**

2. On 22 September 2020 the landlord served a notice of rent increase proposing a new rent of £2100.00 per month in place of the existing rent of £2060.00 per month. The starting date for the new rent would be 1 November 2020.
3. On 29 September 2020 the tenant, Ms Moses, made an application to this tribunal challenging the increase. The application contained details of 3 comparable properties, articles on the state of the property market and a description of disrepair at the property.
4. The tribunal has received no representations from the landlord.
5. An inspection was not possible on this occasion and the tribunal relied on the evidence provided and the previous decision which was in evidence. There was no appearance by the landlord.

## **The property**

6. The subject property is a 2<sup>nd</sup> floor converted flat with accommodation consisting of 4 rooms kitchen and bathroom. The flat has central heating but there is no lift block.

### **The Tenant's evidence**

7. The tenant's evidence includes details of disrepair including water damage from roof leaks and cracks in the walls and ceiling. There is also a rotten wooden window frame and various cracks in plasterwork.
8. The kitchen was refitted by the landlord in 2014 but all the white goods belong to the tenant.
9. The bathroom was refitted by the tenant.
10. The flat is centrally heated by a gas boiler, installed by the landlord in 2013.
11. Details of 3 comparable properties are included. Firstly, a 1<sup>st</sup> floor flat in Greencroft Gardens consisting of 2 double bedrooms and a bathroom and separate shower room, reception room and kitchen. The flat has a rear roof terrace. The flat was available to let at a rent of £1625 per month
12. The 2<sup>nd</sup> comparable is also in Greencroft Gardens and is a 1<sup>st</sup> floor converted flat in a double fronted house. The flat has 2 double bedrooms and 2 bathrooms (one ensuite) and a fully fitted kitchen. The flat was available part furnished at a rental of £1928.33 per month.
13. Finally, a newly refurbished second-floor flat in the next road, Greencroft Gardens, consisting of 2 double bedrooms 2 bathrooms and a fully equipped kitchen. The property was available to let at £2015 per month.
14. The tenant is also provided details of 2 press articles which set out the view that rental values in central London have fallen due to the effects of the pandemic.

### **The landlord's evidence**

15. The landlord has supplied no evidence.

### **The Law**

16. The tribunal must first determine that the landlord's notice under section 13(2) satisfied the requirements of that section and was validly served.

17. 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.
18. 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**

19. No rental evidence had been put forward by the landlord.
20. The tribunal considered the evidence provided and also used its own knowledge and experience. The tribunal is of the view that rents have fallen in this area in the recent past primarily due to the effects of Covid 19. The tribunal considers that the flat in good repair and with the amenities required by the market would let at a rent of £2000 per calendar month. The tribunal then deducted 10 % for the condition of the property and lack of white goods in the kitchen. The tribunal determines a rent of £1800 per month.

### **Effective date**

21. 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.
22. The tribunal received no evidence of hardship and therefore the effective date of the decision is 1 November 2020.

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

**Date: 17 August 2021**

## **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).