



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

Case Reference : **LON/00BB/MNR/2020/0015**

Property : **First Floor Flat 225 Browning Road,
Manor Park, London E12 6NU**

Applicant : **Noorjahan Mursheda Khanam**

Respondent : **Rookshana Cassim**

Type of Application : **Section 13 Housing Act 1988**

Tribunal : **Judge D I Jagger MRICS**

Date and venue of meeting : **Video Hearing 24th August 2021**

Date of reasons : **27th August 2021**

REASONS FOR DECISION

Decision of the tribunal

- (1) The Tribunal determines that the rent that the property in its current condition might reasonably be expected to achieve in the open market under an assured tenancy is £190 per week

Background

1. The tenant previously lived in the property as an assured periodic tenant since 7th March 2016 for and term of six months. The Tribunal were told she vacated on 1st May 2021. On 27th December 2019 the landlord served a notice pursuant to section 13 of the Housing Act 1988 seeking to increase the rent from £150 to £275 per week effective from 17th February 2020.
2. By an undated application received on the 14th February the tenant referred that notice to the tribunal for a determination of the market rent. and the tenant subsequently requested a hearing

Submissions

3. The Video hearing in this matter took place on 24th August 2021. Both the tenant and the landlord's appeared.
4. The Tribunal issued directions for the conduct of the application on 4th March 2020. which were revised on the 27th October 2020. Following the hearing each party submitted emails in support of their case. The tribunal considered that the emails received from each party following the hearing should not be admitted as evidence as no provision has been made in the Directions for such a document and in any case the hearing had finished and all the issues raised in each email were really already dealt with'
4. Comprehensive written representations were received from the tenant which ran to 222 pages together with video submissions indicating the condition of the property upon vacation.
5. During the hearing the applicant enlarged upon these submissions but much of what she told us concerned what she saw as a very difficult relationship with the landlord, her own health problems. None of these matters. Otherwise, the tenant provided very helpful photographic and video evidence to confirming the internal condition of the property which indicated significant mould growth to most rooms, especially the bedroom. The landlord disputed the cause of the mould stating it was due to 'life style' and this is condensation caused by a complete lack of ventilation to the flat.
6. Neither of the parties provided the Tribunal with any evidence of comparable properties that have let in the area of the recent past.

Inspection

7. Due to the current restrictions the tribunal did not inspect the property and relied on information provided by the parties and its expert knowledge. The property is a converted first floor flat forming part of a two storey Victorian building. The accommodation comprises one

bedroom, kitchen, living room and bathroom. There is gas central heating. In a previous Tribunal decision dated 29th March 2019 it was stated in paragraph 7 that the internal and external decorative condition is poor with dated kitchen and sanitary fittings. The rear room is extensively affected by black mould on the main walls which is certainly emphasised in the video evidence provided.

The Law

8. The rules governing a determination are set out in section 14 of the Housing Act 1988. In particular, the tribunal is to determine the rent for each flat at which the property might reasonably be expected to be let in the open market by a willing landlord under an assured tenancy, subject to disregards in relation to the nature of the tenancy (i.e. it being granted to a “sitting tenant”) and any increase or reduction in the value due to the tenant’s improvements or failure to comply with the terms of the tenancy. In the absence of any evidence to the contrary, the tribunal has proceeded on the basis that the landlord is responsible for repairs to the structure, exterior and any installations pursuant to section 11 of the Landlord and Tenant Act 1985 and the tenant for interior decoration.

The valuation

- 9 Having carefully considered all of the evidence and our knowledge of rental values in E12, the Tribunal considers that the starting point would be the rent that would be achieved in good condition with modern amenities would be £290 per week for an assured shorthold tenancy agreement.
10. That, however is the rent that would be achieved if the property was let in good condition with all modern amenities. Based upon the evidence provided to the Tribunal we consider that that the rent should be reduced by £80 which represents a 27% deduction to reflect the dated kitchen and and bathroom fittings, and severe mould growth on the walls. Our deduction reduces the rent to a figure of £210 per week
11. We have not made any deduction to reflect the decorative state of the property because this is the tenants responsibility under the term of the letting. Therefore, we make a further reduction of £20 for this more onerous obligation compared to the shorthold tenancies advertised in the market today. Therefore, the rental figure for this property is **£190 per week**
- 12 Section 14 (7) of the Housing Act 1988 states that the rent set by the tribunal will apply from the date specified in the notice unless it appears to the tribunal that would cause undue hardship to the tenant. Ms Sambhi made reasonable representations to the Tribunal

that there was undue hardship caused by the proposed rent increase and, therefore, the rent determined by the tribunal is to take effect from the date of the Tribunals decision , being 24 September 2020.

Name: Judge D Jagger

Date: 27th 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).