



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

Case reference : **LON/00AX/MNR/2019/0154**

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

Property : **126 Wellington Close, Walton-on-Thames, Surrey, KT12 1BG**

Applicant : **Ms Teresa Burgess**

Representative : **In Person**

Respondent : **Mariana Palumbo**

Representative : **Landlord Advice UK**

Type of application : **Market Rent under ss13 and 14 of the Housing Act 1988**

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

Date and venue of hearing : **2 February 2022 at 10 Alfred Place, London WC1E 7LR**

Date of decision : **2 February 2022**

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 from the Tenant the contents of which the tribunal have noted

Decisions of the tribunal

- (1) The tribunal determines that the market rent is £1150.00 (one thousand one 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 14 of the Housing Act 1988 following the service of a notice of increase dated 1 March 2019 proposing a new rent of £1150.00 per month in place of the existing rent of £925.00 per month to commence on 1 December 2019. The tribunal issued directions on 9 December 2021

The property

2. The subject property is an 8th floor purpose built flat with accommodation consisting of 3 rooms kitchen and bathroom/WC. The flat has central heating and triple glazing.

The Tenant's evidence

3. No evidence was submitted by the Tenant

The landlord's evidence

4. Written evidence was submitted by the Landlord including details of re-cladding work replacement of windows and provision of a new balcony costing £75,953 stop
5. Details were submitted of a number of flats in Wellington Close available to let on the open market.

6. A two-bedroom flat available to let at £311 per week (£1347.67 pcm) although the date of the details is not shown.
7. A flat in Wellington Close available to rent at £1200 per month. The date is not shown nor the accommodation.
8. A flat available to let in Wellington Close at £1250 per month again the accommodation is not shown nor the date.
9. Details were also included of other properties including houses and flats in the general locality but not in the specific development. These details were all dated November 2021.
10. A number of references from other tenants of the landlord were included but these are not directly relevant to the matter before the tribunal.
11. The Landlord also included an email setting out details of arrears of rent and complaints from the Estate management company relating to goods left in the communal area outside the flat. The email also acknowledged that the kitchen and bathroom needed updating but that access was refused and the Applicant had changed the locks.
12. Details of repair work carried out to the flat were provided including electrical work and gas safety work.

The Law

13. Section 14 the Housing Act 1988, allows a tenant who has received a notice of increase to apply to the tribunal for a determination of the rent which in the tribunal's opinion the rent at which the dwelling might reasonably be expected to be let in the open market by a willing landlord under an assured tenancy, which is a periodic tenancy having the same periods as the tenancy, beginning at the beginning of the notice period and on the same terms other than the amount of rent as are contained in the tenancy.

Valuation

14. No rental evidence has been provided by the Applicant. The Respondent has provided limited rental information but lacking important details such as the date of the comparable and the accommodation. The tribunal was able to place little weight on this. In consequence the tribunal relies on its knowledge and experience.
15. The tribunal considers that this flat, let in the market on an AST on normal market terms in the condition the market would expect including carpets, curtains and white goods would achieve a rent of £1250.00 per month. The

tribunal has deducted £7.5% to reflect their lack to reach a rent of £1156 per month which is rounded down to £1150.00 per month.

Name: A P Harris LLM FRICS FCI Arb Valuer Chair **Date: 10 March 2022**

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).