



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

Case reference : **LON/00AG/MNR/2021/0176**

Property : **Flat 3, 2nd floor 78 Canfield
Gardens, London NW6 3EE**

Applicant : **Wendy Moses**

Respondent : **Northumberland & Durham
Property Trust Limited**

Type of application : **Section 13, Housing Act 1988**

Tribunal member(s) : **Ms M W Daley LLB(hons)
Mrs Sarah Redmond MRICS**

**Date and venue of
hearing** : **Determined Remotely on the
papers**

Date of decision : **Decision and reasons dated 20
March 2022**

DECISION

Decision of the tribunal

- (1) **The sum of £2100 PCM is determined as the rent with effect from 1 November 2021 from the date specified in the notice of increase.**

The application

Background

1. By an application dated on 19 October 2021 the tenant of the above property referred to the Tribunal a notice of increase of rent served by the landlord on 23 September 2021 under section 13 of the Housing Act 1988.
2. The landlord's notice, which proposed an increase in the rent from £2100 PCM to £2150.00 per month with effect from 1st November 2021.
3. The assured tenancy which followed a succession commenced on 8 August 2009. The premises comprise 4 rooms, kitchen and a bathroom/WC.
4. On 30 November 2021, directions were given for the determination of this matter; the directions stated "The Tribunal will decide the application during the fourteen days from 24 January 2022 based on the written submissions by the parties.
5. This matter was determined by the Tribunal on the basis written submissions from the parties.

The representations from the tenant

6. The tenant's representations were limited to the application form. The tenant stated that following a flood at the property caused by a water tank. The bathroom had been refurbished by the tenant following an insurance pay out.

The representations from the Landlord

7. The landlord provided no written representations.

The Inspection

8. Due to the Coronavirus pandemic no inspection of the property was carried out.

The law

9. In accordance with the terms of section 14 Housing Act 1988 (the Act) the Tribunal proceeded 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.
10. In so doing the Committee, as required by section 14(1), ignored the effect on the rental value of the property of any relevant tenant's improvements as defined in section 14(2) of that Act.

The Valuation

11. The Tribunal determined that the market rent for the properties within the area of Camden was within the range of £2625 per month. However the Tribunal was aware that the tenant was responsible for internal decoration of the premise. The Tribunal made a discount for terms and conditions of the tenancy. The Tribunal was also aware that no modernisation had been carried out by the landlord, and assessed the property as in need of modernisation in respect of the kitchen. There were also no white goods, curtains and carpeting provided by the landlord at the premises.
12. The property was not in a condition usual for a market letting. Thus in the first instance the Tribunal determined what rent the landlord could reasonably be expected to obtain for the property in the open market if it were let today (that is at the date of the determination) in the condition that is considered usual for such an open market letting which was £2625 per calendar month. The Tribunal made a deduction of 20% to reflect this.
- 13.

The Decision

14. **The Tribunal having taken into account the factors set out above determines that the market rent is confirmed at £2100.00 per calendar month. The Tribunal confirmed the rent as payable from 1st November 2021.**

Name: Judge Daley

Date: 20 March 2022