



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

Case reference : **Lon/00BA/MNR/2022/0047**

Property : **Flat 2, 153 Queens Road, London
SW19 8NS**

Applicant : **Ying Gao**

Respondent : **Ann Dowd**

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

Tribunal member(s) : **Judge D I Jagger MRICS**

**Date and venue of
hearing** : **15th June 2022**

Date of reasons : **29th June 2022**

REASONS (HOUSING ACT 1988)

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 periodic tenancy is **£870 per month**

Background

1. The tenant lives in the property as an assured periodic tenant since 26th October 2019. On 25th February 2022 the landlord served a notice pursuant to section 13 of the Housing Act 1988 seeking to increase the rent from £800 to £900 per month effective from 26th March 2022. The application confirms the rent includes a total of £116 per month for service charges, council tax and water rates.
2. By an application dated the 24th March 2022 the tenant referred that notice to the tribunal for a determination of the market rent. and the matter was determined on the papers provided with neither party requesting a hearing.
3. The tenancy agreement confirms the following furniture were included : bed, chair, bedside table and table.

Submissions

4. The decision was made on the 15th June 2022
5. No evidence of market rents was provided by the landlord or the tenant in this matter.
6. The property is a first floor converted Victorian flat with three bedrooms and shared kitchen. The tenancy is for a bedroom in the flat with en suite shower room and wc. The property is located in an established residential area amongst dwellings of a comparable age and type convenient to local amenities.

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 of properties in the area.

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 the Tribunal considers that the rent that would be achieved in reasonable condition with modern amenities would be £870 per month
10. 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.
11. 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 Nova Gao has confirmed to the Tribunal that there was undue hardship caused by the proposed rent increase due to the fact that he is now unemployed and, therefore, the rent determined by the tribunal is to take effect from the date of the Tribunals decision , being **15th June 2022.**

Name: Judge D Jagger

Date: 28th June 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).