



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

Case reference : **LON/00BK/MNR/2022/0060**

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

Property : **Flat 18, One Church Square, 41
Vauxhall Bridge Road, London,
SW1V 2TA**

Applicant : **Ms Grace Okoli**

Representative : **In Person**

Respondent : **Dolphin Square Charitable
Foundation**

Representative : **Helen Bryant**

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 : **20 June 2022 at 10 Alfred Place,
London WC1E 7LR**

Date of decision : **13 July 2022**

DECISION

Covid-19 pandemic: description of hearing

This has been a remote hearing which has been consented to by the parties. The form of remote hearing was CVP: CVPREMOTE. A face-to-face hearing was not held because all issues could be determined on at a video hearing followed by an inspection at the tenants request. The documents that the tribunal was referred to are the notice of increase, the application and covering correspondence from both parties, the contents of which the tribunal have noted. The tribunal inspected following the hearing.

Decisions of the tribunal

- (1) The tribunal determines that the market rent is £2230.00 (two thousand two hundred and thirty pounds) per calendar month to take effect from 1 April 2022.
- (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 of the Housing Act 1988 following the service of a notice of increase dated 21 February 2022 proposing a new rent of £1800.39 per month in place of the existing rent of £1692.10 per month to take effect from 1 April 2022. The tribunal issued directions on 22 April 2022 which were amended on 30 May 2022.

The property

2. The subject property is a first floor flat with a living room/kitchen, 2 bedrooms and bathroom.

The Tenant's evidence

3. The tenant's application was received by the tribunal on 28 March 2022. Submissions included the landlords increase notice, correspondence regarding disrepair and a complaint using the Landlords complaints procedure. No comparables were provided. The Tenants submission also included a number of photographs which were not dated or titled and therefore of little evidential value.
4. The correspondence relating to repair is dated 2021. No reply form was included. The papers also asked if the tribunal could value on an intermediate rent basis.

The landlord's evidence

5. The landlord provided a standard reply form confirming details of the accommodation but no other evidence.

The Law

6. 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

7. The tribunal has no jurisdiction to rule on disputes relating to past disrepair or inherent defects. In the absence of detailed evidence of current disrepair, the tribunal will value on the assumption that the property is in a reasonable state of repair. The tribunal can only value on a market rent basis under the Act and not on an intermediate rent basis.
8. As no rental evidence has been provided by the parties the tribunal relies on its knowledge and experience. The tribunal has considered the submissions and evidence regarding the condition of the property.
9. The tribunal considers that this flat, let in the market on an AST, unfurnished and with the usual amenities on normal market terms in the condition the market would expect would achieve a rent of £2350.00 per month The tribunal then deducted 5% for the absence of carpets curtains and white goods to come to a net rent of say £2230.00 per month.
10. No evidence of hardship has been provided so the rent increase takes effect from the date set out in the notice of increase.

Name: A P Harris LLM FRICS FCI Arb Valuer Chair **Date:** 13 July 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).