



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

Case reference : **KA/LON/00BE/MNR/2022/0081**

Property : **Flat 41 Mirlees Court,
50 Coldharbour Lane,
Camberwell SE5 9QW**

Tenant : **Ms Naomi Lateefah Horsford**

Landlord : **Nottinghill Genesis**

Type of application : **Determination of a Market Rent
Section 13 and 14 of the Housing
Act 1988**

Tribunal members : **Tribunal Judge I Mohabir
Mrs A Flynn MA MRICS**

Date of determination : **12 July 2022 (by paper evidence
only)**

**Date of extended
reasons** : **24 August 2022**

DECISION

The Application

1. By an application dated 5 May 2022 the tenant of the above property referred to the Tribunal a notice of increase of rent served by the landlord under section 13 of the Housing Act 1988.
2. The landlord's notice, which proposed an increase in the rent from £200.84 per week to £209.07 per week (inclusive of service charges of £10.84 per week) was dated 22 February 2022 and proposed a starting date for the new rent of Monday 4 April 2022.
3. The weekly assured tenancy commenced in May 1989

Background

4. Directions were issued by the Tribunal on 16 May 2022. Attached to these was an information sheet and reply form requesting detail of the property (including a suggestion that photos could be submitted). Neither tenant nor landlord completed these. The Tribunal did not inspect the subject property.

The Property

5. The information is from that provided by the tenant, Ms Horsford, in her application. The property is a third storey bed-sit and assumed to have kitchen facilities and a combined bathroom/WC. It is understood to be in a purpose built block of flat. The flat was not inspected internally or externally so the condition is unknown but the property is assumed to be in fair condition. However, it is asserted by Ms Horsford that "I have installed an electric shower unit as there was only a bathroom tub , which I cannot use as the hot water runs out.
6. In the absence of evidence to the contrary from the landlord, this is accepted by the Tribunal.
7. It is located in a busy area on a main road with easy access to all forms of public transport links.

The Tenancy

8. The tenancy is a weekly assured shorthold tenancy which commenced on 14 February 2019. Section 11 of the Housing Act 1985 applies in relation to the landlord's repairing obligations.

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 (if any).

The Valuation

11. 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.
12. No comparable evidence of rents was provided by either the landlord or tenant. The Tribunal, therefore, used its own knowledge and expertise about flats in the locality of the subject property and having done so , it concluded that such a likely market rent would be £250 per week.
13. However, since the actual condition of the property is not definitively known by the Tribunal, it made assumptions as to the provision of carpets, curtains and white good as well as taking into account the electric shower. To take the above into account a deduction of 15% was made from the market rent to arrive at a weekly sum £212 (rounded down).

The Decision

14. The market rent is £212 per week. There were no submissions in respect of hardship and therefore the Tribunal determines that the rent will take effect from 4th April 2022 being the date stated in the Landlord's Notice.

Name: Tribunal Judge Mohabir

Date: 24 August 2022