



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

**Case Reference** : **JM/LON/00BK/MNR/2022/0152**

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

**Property** : **Third floor flat, 13 Warrington Crescent, London W9 1ED**

**Tenant** : **Ms. Rose Welford**

**Landlord** : **BPT Limited**

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

**Tribunal Members** : **Tribunal Judge Hamilton-Farey**

**Date and venue of Consideration** : **Remote, 10 February 2023**

**Date of Decision** : **10 February 2023**

---

**DECISION**

The Tribunal determines the rent payable by the tenant shall be £7,000 per quarter, with effect from 10 February 2023.

---

**Covid-19 pandemic: description of hearing**

This has been a remote determination on the papers which has not been objected to by the parties. The form of the determination was P:PAPERREMOTE. A face-to-face hearing was not held because no-one requested the same and all issues could be determined on the papers. The

documents that the Tribunal were referred to are the landlords notice of increase, the application form and accompanying e-mail. Neither party submitted evidence in accordance with the directions.

## **REASONS**

### **The Application**

1. The Tribunal received an application from the Tenant, Ms. Welford on 23 September 2022.
2. The application referred a Landlord's Notice of Increase that was in relation Third Floor Flat, 13 Warrington Crescent, London W9 1ED (the subject property). The Notice of Increase was dated 8 June 2022 and proposed to increase the rent of the subject property from £2,369.00 per quarter to £7,164.00 per quarter with effect from 24 September 2022.
3. The tribunal issued directions to the parties on 4 October 2022 that required the parties to provide any evidence of similar lettings on which they wished to rely. As noted above, neither party produced any evidence to support their claims.

### **The applicant's case:**

4. The applicant occupies the property by succession from her father's tenancy. She confirms that her father had passed away and that she remains in occupation. It is presumed that her father's tenancy was one that was subject to the provisions of the Rent Act 1977. At the time of her father's death, it appears the rent passing was £2,369.00 per quarter (£789.66 per calendar month).
5. The applicant says that the rent increase proposed by the landlord is too high.

### **The respondent's case:**

6. The respondent has not made any response to the application.

### **Reasons for the tribunal's determination:**

7. Following the death of a protected tenant such as this, and where there is no surviving spouse (which appears to be the case here) any child who succeeds to the tenancy cannot take advantage of the Fair Rent

regime, and the rent for the property becomes payable at the market rent level.

8. Therefore in this case the landlord has proposed an increase in rental to what they consider to be the market rent level for the property in its current condition and location, assuming the property were to be let on an assured tenancy. This type of tenancy provides more protection to the tenant than the more common assured shorthold tenancy, but brings with it more onerous repairing obligations to the tenant, in that the tenant will be liable for the redecoration of the inside of the property, whereas this is usually excluded from a shorthold tenancy.
9. In the circumstances the tenant therefore becomes liable for a market rent of the property. Neither party produced market evidence to suggest what the market rent for an assured tenancy of this type would be, but from my own knowledge and experience of the lettings market in London, a property of this type, fully refurbished and let on an assured shorthold tenancy would be in the region of £2,800 per calendar month (£8,400 per quarter).
10. However there is no indication that the property has been refurbished to the level that would be considered necessary to achieve this rental level, and therefore in my view, deductions should be made from the starting rent of £8,400 to arrive at the current market rent.
11. In this case the landlord has reduced the rent to £7,164.00 per quarter, (approximately £400 per week) to reflect the differences in the property. I consider that a willing tenant would pay slightly less and that a further deduction should be made and that the current market rent for the subject property in an unmodernized condition would be £7,000 per quarter, and I therefore determine the market rent at that figure. **£7,000.00 per quarter.**
12. The only other consideration for the tribunal is whether there would be any hardship on the part of the tenant if the rent were to commence on the date proposed by the landlord (24 September 2022). I consider that such a hardship would exist, and in the circumstances determine the effective date at **10 February 2023.**

**Name:** Tribunal Judge Hamilton-Farey

**Date:** 10 February 2023.

### **ANNEX - 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. Any appeal in respect of the Housing Act 1988 should be on a point of law.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).