

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

**Case Reference** : **LON/00BG/F77/2022/0142**

**Hearing Type** : **In Person By Way of Written Representations**

**Property** : **5 Abbots House, St Mary Abbots Terrace, London,  
W14 8NU**

**Applicant** : **Mrs Rihab Yahya**

**Respondent** : **Nazy Maughan**

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

**Tribunal Member** : **Mr John A Naylor MRICS, FIRPM  
Valuer Chairman**

**Date of Reasons** : **16/03/2023**

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**REASONS**

## REASONS

### Background

1. On 1 August 2022 the landlord served a Notice under Section 13(2) of the Housing Act 1988 proposing an increase in the rent of the above property to £3055 per calendar month.
2. On 3 August 2022 the tenant referred the section 13 notice to the Tribunal for the determination of a market rent.
3. By way of a letter dated 26 August 2022, the Tribunal wrote to the parties highlighting an issue of jurisdiction advising that it might not have jurisdiction to determine the matter due to the fact that the landlord's Notice was defective. The parties were given until 8 September 2022 to reply and respond on whether they wished to have this matter determined by way of hearing or written representations.
4. By way of a letter dated 26 August 2022, Mrs Maughan, the daughter of the landlord, wrote on the landlord's behalf providing reasons for the increase together with extracts from the website Zoopla detailing the comparable evidence on which she had based her proposal of increase.
5. The tribunal subsequently wrote to the parties advising that owing to an administrative error documentation in the original application was, in fact, incorrect and did not relate to the subject property.
6. Therefore the Tribunal had jurisdiction .
7. On 30<sup>th</sup> September 2022, the tribunal issued Directions to the parties requiring them to produce any evidence on which they wished to rely in support of their respective cases , including by use of the reply form . The matter was set down for a determination on the papers unless either party requested a hearing, which neither did. The landlord was directed to return the reply form with any other documents upon which it wished to rely the landlord by 21<sup>st</sup> October 2022. The tenant was directed to do likewise by the 4<sup>Th</sup> of November 2022 and the landlord respond by the 11<sup>th</sup> November 2022.

8. On 6 December 2022 on the papers received and without a hearing, the Tribunal determined that the market rent of the property was £3,000 per month.
9. Subsequently, the tenant requested reasons by way of a letter dated 12 January 2023.

### **The Law**

10. The rent to be determined under Section 14 of the Housing Act 1988 ( see annex)

### **The Property**

11. From Google Maps and information provided on the application form the Tribunal has found as follows:

The property comprises a second floor purpose built flat in an eight to nine storey block dating from the 1960s and to be of frame construction under a flat roof.

Abbots House is located on the corner of Holland Park Road in Holland Park and is well placed for local transport and shopping facilities.

12. The accommodation comprises four rooms, winter garden/study and two bathrooms. From the tenant's correspondence, the tenant has replaced all of the original furniture that may have been provided by the landlord, changed the carpets throughout on two occasions, painted the flat on three occasions and replaced the freezer and the dishwasher.
13. Of these, the landlord agrees that the tenant has replaced the furniture but makes no comment on the recarpeting or redecoration and disagrees that the tenant has replaced the dishwasher and freezer.

### **Valuation**

14. The Tribunal must firstly determine the market rent for a property of this size, in this location and in its current condition. The Tribunal notes the comments made by both the landlord and tenant in their submissions and takes these factors into consideration. In addition the landlord submits that included in the rent are water rates and service charges. Using its own general knowledge of the Greater London property market and the market in Holland Park the Tribunal finds that the market rent for a property of this size, in this location,

in average condition, with the usual white goods, carpets and decorated to a good condition would be £3,500.

15. Taking into account the tenant's submission, the Tribunal makes no addition for the presence of furniture within the flat but makes allowance for the fact that the tenant maintains that the carpets have been changed twice and the flat decorated three times, a fact uncontested by the landlord. The Tribunal also takes into account the fact that the freezer and dishwasher are not included with the rent.
16. Lastly, the Tribunal notes that within the rent are included water rates (paid for by the landlord) and service charge (paid for by the landlord). As far as the service charge is concerned, without evidence to the contrary the Tribunal is of the opinion that this relates to the maintenance of the fabric of the building and thus disregards it as maintenance; the responsibility of the landlord for most assured shorthold tenancies.
17. The Tribunal therefore makes deductions from the market rent of £3,500 per month to reflect maintenance undertaken within the flat by the tenant.

Market Rent:	£3,500 per month
• completed on behalf of the tenant	Less for work £ 500. per month
This leaves a net rent of	£3,000 per month.

**Name:** Mr John A Naylor MRICS FIRPM

**Date:** 16.03.23

### **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 might 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 this 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).