

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

**Case Reference** : **LON/00AE/MNR/2022/0192**  
**Hearing Type** : **By Way of Written Representations**

**Property** : **91 Abbotsford Court, 3 Lakeside Road, NW10 7GB**

**Applicant** : **Mr Nouriddine Mokudem & Mr Mohmoud Fouad Elati**

**Respondent** : **Mr Adam Nicholas Mills & Mrs Diana Mary Mills**

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

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

**Date of Decision** : **23rd March 2023**

**REASONS**

## **REASONS**

### **Background**

1. On 11<sup>th</sup> November 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 £1850.00 per calendar month.
2. On 15<sup>th</sup> November 2022 the tenant made an application to the Tribunal for the determination of a market rent.
3. By way of a letter dated 30 November 2022 the Tribunal issued directions. these required the Landlord to provide details of evidence on which they wished to rely by 21<sup>st</sup> December 2022. The Tenant was directed to do the same by 4<sup>th</sup> January 2023 and the landlord was directed to then make any response thereto by 11<sup>th</sup> January 2023
4. Submissions were received from both the Landlord and the Tenant.
5. The landlord provided a market report with evidence of rental levels from CBRE surveyors. They confirmed that the flat was approximately 800 square feet in size and that the property was newly built when it was first let to the current tenant in 2016. They also advised that they had marketed the property in 2020 when they had a prospective new tenant willing to take the property at a rent of £1850 per calendar month before agreeing to let to the existing tenant for a further year
6. The tenant provided no evidence but contended that rental levels tended to be agreed at levels below those advertised. The tenant suggested that the second bedroom was not a double bedroom as suggested by the landlord but was a single bedroom and submitted that the flat had received no maintenance since it was let in 2016 and now suffered from a lack of window cleaning , a defective handbasin in the bathroom , broken smoke alarm and a noisy extractor .
7. On 26<sup>th</sup> January 2023 on the papers and without a hearing, the Tribunal determined that the market rent of the property was £1,800 per month.
8. Subsequently, the tenant requested reasons by way of an email dated 13<sup>th</sup> march 2023

## **The Law**

9. When determining a market rent in accordance with the Housing Act 1988 Section 13, regard must be had to all of the circumstances (other than personal circumstances) including the age, location and state of repair of the property, matters contained within the rent, repairing obligations, etc.

## **The Property**

10. From Google Maps and information provided, the Tribunal has found as follows:

The property comprises a purpose built fifth floor flat comprising an open plan Lounge/ Kitchen, 2 bedrooms, one with an ensuite bathroom, communal bathroom balcony, parking space / garage and use of communal gardens.

The property benefits from individual gas central heating and double glazing.

Abbotsford Court is located on Lakeside Drive and is well placed for local transport and shopping facilities.

11. We understand from the tenant's correspondence, that the tenant has not undertaken any improvements to the property.
12. The landlord gives no evidence in respect of tenants improvements.

## **Valuation**

13. The Tribunal must firstly determine the market rent for a property of this size, in this location and in its current condition. It must also disregard the personal circumstances of either party. The Tribunal notes the comments made by both the landlord and tenant in their submissions and takes these factors into consideration. In addition to this, the landlord has given evidence that there is a service charge payable in respect of the flat and that this is included in the rent.
14. Using its own general knowledge of the Greater London property market, the Tribunal considers 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 £2,000.00.
15. Taking into account the tenant's comments, the Tribunal makes allowance for the fact that there are items of maintenance within the flat that now require attention.

16. Lastly, the Tribunal notes that within the rent are included 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 as it is the responsibility of the landlord for most assured shorthold tenancies.

17. The Tribunal therefore makes deductions from the market rent of £200 per month to reflect lack of maintenance undertaken within the flat.

Market Rent:	£2,000 per month
• lack of maintenance	Less 10% for the
• rent of £1,800 per month.	This leaves a net

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

**Date:** 23.03.23

### **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).