

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

Case Reference : **LON/00AS/MNR/2023/0154**

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

Property : **Flat 2, 51 Belmont Road, Uxbridge, UB8 1SU**

Applicant : **Miss Ellie Louise Boyle**

Respondent : **Westway Housing Association**

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

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

Date of Decision : **7th AUGUST 2023**

REASONS

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Background

1. On 27th February 2023 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 £237.12 per week inclusive of services.
2. On 23 March 2023 the tenant made an application to the Tribunal for the determination of a market rent.
3. By way of a letter dated 9 May 2023, the Tribunal wrote to the parties and issued Directions .The parties were given an opportunity to reply and respond on whether they wished to have this matter heard by way of hearing or written representations.
4. Reply forms were completed by both the landlord and the tenant and forwarded to the Tribunal, Miss E Boyle responded on her own behalf, and Mr David Adams of Birketts on behalf of the landlord.
5. On behalf of the landlord, submissions were made which included a brochure which had formed part of the sales and marketing material when the block was originally constructed together with a separate submission providing evidence of the subject property, the block in which it stands and details of comparable lettings in the area.
6. On behalf of the tenant we received a typed submission with photographic evidence showing use of a damp meter, damp readings and efflorescence to a wall, a copy of the tenancy document dated 12 November 2020 and a copy of a Government document entitled “Rent Standard – April 2023”.
7. On 10 July 2023, on the basis of papers submitted and without a hearing, the Tribunal determined that the market rent of the property was £270 per week.
8. Subsequently, by way of an email dated 1 August 2023, the tenant requested reasons for the Tribunal Decision.

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 the application form , evidence submitted ,Google Maps and information available on various agent websites and property portals, the Tribunal has found as follows:

The property comprises a lower ground floor one bedroom flat with open plan living/kitchen area and use of communal gardens.

Belmont Road itself is a fairly busy road, extending into High Street and benefits from the extensive transport and shopping facilities provided thereby.

11. In their submissions, the tenant refers to a number of problems affecting the property including rising damp, mould around the windows in the bathroom, a socket that does not work and difficulty getting water to drain from the bath.
12. These complaints are supported by screenshots of messages to the landlord and photographic evidence, all as described above.

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 the market evidence provided by the landlord , the landlord advised that included in the rent are water rates and service charges. Services comprise the lighting and cleaning of the common parts It is noted that in the tenant's submission there is reference to the need to use dehumidifiers and a proposal for the landlord to find her alternative accommodation for a six month period.

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, decorated to a good standard and with the services described would be £300 per month.
15. Taking into account the tenant's comments and the evidence provided, the Tribunal is of the opinion that the property has had some issues that have required ongoing maintenance but in addition does have some damp and condensation issues, which appear to be ongoing.
16. The Tribunal therefore makes deductions from the market rent of 10% per week to reflect the difficulties experienced.
17. The Tribunal therefore makes deductions from the market rent of £300 per week to reflect maintenance undertaken within the flat by the tenant.

Market Rent:	£300	per
week		
•		Less 10% for
evidence of damp and other		
difficulties experienced		£30 per week

This leaves a net rent of £270 per week including services.

Name: Mr John A Naylor MRICS FIRPM

Date: 7th AUGUST 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 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).