



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

Case reference : **TR/LON/00BJ/MNR/2023/0100**

Property : **38 Eversleigh Road, London, SW11 5XA**

Applicant : **Ms Esther Schipper & Mr Harald
Alexander Veldhuijzen**

Representative : **-**

Respondents : **Peabody Trust**

Representative : **-**

Type of application : **Sections 13 and 14, Housing Act 1988**

Tribunal members : **Sarah Phillips MRICS
Tribunal Judge Robert Abbey**

Venue of hearing : **Paper based hearing**

Date of Decision : **31 May 2023**

Date of Reasons : **31 July 2023**

REASONS

Background

1. Prior to the application before the Tribunal the landlord by a landlord's notice proposed a rent increase of the rent payable for the tenant's assured tenancy of the above property. The tenant referred to the Tribunal the notice of increase of rent served by the landlord under section 13 of the Housing Act 1988 ("the Act").
2. The tenancy is an assured periodic tenancy the terms of which are described in the application to the Tribunal.

Hearing

3. This has been a paper-based hearing. A face-to-face hearing was not held because all the parties requested a paper-based hearing, and all issues could be determined in a paper-based hearing. The documents that the Tribunal was referred to are in an electronic bundle.

Inspection

1. The tribunal did not inspect the property as it considered the documentation and information before it in the trial bundle enabled the tribunal to proceed with this determination.

The law

4. The law as to the Tribunal's approach is given at section 14 of the Act which insofar as relevant is as follows:

(1) Where, under subsection (4)(a) of section 13 above, a tenant refers to a Tribunal a notice under subsection (2) of that section, the Tribunal shall determine the rent at which, subject to subsections (2) and (4) below, the Tribunal consider that the dwelling-house concerned might reasonably be expected to be let in the open market by a willing landlord under an assured tenancy—

(a) which is a periodic tenancy having the same periods as those of the tenancy to which the notice relates;

(b) which begins at the beginning of the new period specified in the notice;

(c) the terms of which (other than relating to the amount of the rent) are the same as those of the tenancy to which the notice relates;

[...].

Findings

5. This is an assured tenancy under the Housing Act 1988. The Tribunal considered the submissions and or papers and documents put forward by the parties. In the light of these submissions and in the light of the

comparable market rents seen by the Tribunal in the same area as the subject property the Tribunal reasoning for the rent is:

That from a comparable perspective the Tribunal managed to find one comparable currently on the market on the same street and property size for £2,383 pcm. The Tribunal also located and considered another reasonably local comparable. The Tribunal felt that there were some adjustments to make on this rate given the work that the tenants have undertaken to the property including the flooring, mould issues and repairs to the window frames. Therefore -

Market rent @ £2,383

Adjustments for:

- Mould repairs @ 5%
- Window repairs @ 5%
- Flooring @10%

This results in an adjusted rent of £1,906.40

This is therefore only a little more than the amount paid at the moment (£1,874)

6. The Tribunal is required to consider the terms on which the property might reasonably be expected to be let at in the open market by a willing landlord under an assured tenancy in accordance with the statutory requirements quoted above. Accordingly, following the above reasoning and the statutory provisions the Tribunal determines that the rent of £1906 per calendar month is payable from and including the 19 March 2023 onward.

Tribunal Judge Professor Robert Abbey

ANNEX - RIGHTS OF APPEAL

- The Tribunal is required to set out rights of appeal against its decisions by virtue of the rule 36 (2)(c) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 and these are set out below.
- If a party wishes to appeal against 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.