



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

Case Reference	:	LON/00BE/MNR/2023/0121
Property	:	Flat 3 Calico Court, Marine Street, London, SE16 4AZ
Applicant	:	Mr E Kode & Miss M Drozdowska (Tenants)
Representative	:	None
Respondent	:	Hyde Housing Association (Landlord)
Representative	:	None
Type of Application	:	Section 13(4) Housing Act 1988
Tribunal Members	:	N Martindale FRICS
Date and venue of Hearing	:	10 Alfred Place London WC1E 7LR
Date of Decision	:	21 September 2023

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application dated 13 March 2023 from the tenants of the Property, regarding a notice of increase of rent served by the landlord, under S.13 of the Housing Act 1988 (the Act).
- 2 The notice, dated 20 February 2023, proposed a new rent of £1680.80 per calendar month, with effect from and including 1 April 2023. The passing rent was said to be £1311.66 per calendar month.

- 3 The tenancy is an assured shorthold periodic monthly tenancy. A copy of the last tenancy agreement was provided.
- 4 Directions were issued 1 June 2023. Neither party requested a hearing. The Tribunal does not carry out inspections.
- 5 The Tribunal received an initial application. The Tribunal sent out its standard Reply Form to both landlord and tenant. The Tribunal did not receive either back, completed.
- 6 The Tribunal carefully considered and noted such representations as it received from both parties regarding the location layout size and condition of the Property and other available and let comparable properties in the location.

Property

- 7 The Property is a purpose built modern ground floor flat in a low rise block, with 2 bedrooms, living room, kitchen and bathroom/ wc. There is full central heating and double glazed windows. The landlord refers to it as a 4 person dwelling: There are 2 tenants.
- 8 The flat was first let on 26 September 2013 for £1200 pcm. The flat was let without carpets or other floor finishes but was supplied with basic white goods of cooker and fridge/ freezer but without washing machine. No curtains, blinds or other furniture was recorded to have been included.
- 9 The Tribunal had regard to Google Streetview in Marine St. SE16 (data capture June 2022).

Law

- 10 In accordance with the terms of S14 of the Housing Act 1988 we are required to determine the rent at which we consider the property might reasonably be expected to let in the open market, by a willing landlord, under an assured tenancy, on the same terms as the actual tenancy; ignoring any increase in value attributable to tenant's improvements and any decrease in value due to the tenant's failure to comply with any terms of the tenancy. Thus the Property falls to be valued as it stands; but assuming that the Property to be in a reasonable internal decorative condition.

Decision

- 11 Based on the Tribunal's own general knowledge of market rent levels in Bermondsey it determines that the subject Property would let on a normal Assured Shorthold Tenancy (AST) terms, for £2,100 per calendar month, fully fitted and in good order. The Tribunal makes a small deduction of £100 pcm for the lack of provision by the landlord of a washing machine, curtains blinds and floor coverings. The market rent is therefore determined at £2,000 pcm.
- 12 The new rent will take effect from and including 1 April 2023, the effective start date given in the landlord's Notice. As the Form of Determination dated

5 September 2023 states: **The landlord is not obliged to charge this market rent but, may not charge more.**

Name: N. Martindale

Date: 21 September 2023

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 either party is dissatisfied with this decision, they may apply for permission to appeal to the Upper Tribunal (Lands Chamber) on any point of law arising from this Decision.

Prior to making such an appeal, an application must be made, in writing, to this Tribunal for permission to appeal. Any such application must be made within 28 days of the issue of this decision to the person making the application (regulation 52 (2) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rule 2013).

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.

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

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.

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