



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

Case reference	:	LON/00BK/MNR/2023/0059
Property	:	Flat 30 Dibdin House, Maida Vale, London, W9 1QE
Applicant	:	Mr Anthony Kinsella & Ms Patricia Kinsella
Respondent	:	Grainger Invest 1 LLP
Type of application	:	Section 13 Housing Act 1988
Tribunal member(s)	:	Judge H Carr Mr A Parkinson MRICS
Date and venue of determination	:	10 Alfred Place
Date of reasons	:	2nd October 2023

REASONS (HOUSING ACT 1988)

Decision of the tribunal

- (1) The Tribunal determines that the rent that the property in its current condition might reasonably be expected to achieve in the open market under an assured tenancy is £ 1072.50 per calendar month.

Background

1. The property is let on a monthly periodic assured tenancy. The tenancy commenced in October 1992.
2. On the 13th December 2022 the landlord served a notice under s.13 of the Housing Act 1988 raising the rent with effect from 29th January 2023 to £1,040.91 per calendar month.
3. By an application dated 24TH January 2023 the tenant referred that notice to the tribunal challenging the increase and seeking a determination of the market rent.
4. A hearing was held in Alfred Place on 21st July 2023 and attended by Ms Kinsella. There was no attendance from the landlord.

Submissions

5. On the application form the tenants stated that the property was a shell when they moved in. They enclosed a written statement of the work that they had carried out. This included flooring the property as on moving in the floor comprised uneven concrete, replacing light fittings and wall switches, repairing bedroom ceilings, boxing in the meter as well as installing kitchen and bathroom. At the hearing Ms Kinsella told the tribunal that when they originally took the tenancy of the property from the Church Commissioners there were very limited provision of facilities, that the property was a total mess and not safe for their family. The tenants enclosed photographs of the original condition.
6. The tenants in substance reproduced their previous applications. No evidence to the contrary has been provided by the landlord.
7. The tenants also said that there is mould to the bathroom which requires constant attention.
8. The tenants also raised the issue of the landlord changing the due rent date from the 1st of the month to the 29th of the month.

Inspection

9. The tribunal inspected the property on 21st July 2023 in the presence of the tenant and the landlord. It found the property to be a fourth floor self-contained flat in a purpose built block of flats built around the turn of the 20th century. The flat was approached by an internal staircase.
10. The block was situated in an estate of similar- aged property. The roof of the block was unsighted.

11. The accommodation comprises:
- A shower room/ WC.
 - Kitchen.
 - A reception room
 - Three small bedrooms
 - A small balcony
12. The property has the benefit of central heating which was installed by the landlord.
13. The property is situated in a very convenient position with good transport links and easy access to shops and schools.

The Law

14. The rules governing a determination of market rent are set out in section 14 of the Housing Act 1988. In particular, the tribunal is to determine the rent for each flat at which the property might reasonably be expected to be let in the open market by a willing landlord under an assured tenancy, subject to disregards in relation to the nature of the tenancy (i.e. it being granted to a “sitting tenant”) and any increase or reduction in the value due to the tenant’s improvements or failure to comply with the terms of the tenancy. In the absence of any evidence to the contrary, the tribunal has proceeded on the basis that the landlord is responsible for repairs to the structure, exterior and any installations pursuant to section 11 of the Landlord and Tenant Act 1985 and the tenant for interior decoration.
15. The tribunal notes the change in rent payment date, but on checking the terms of the tenancy it appears that the tenancy commenced on the 29th of the month, but with a rent payment date of the 1st of the month. It appears to the tribunal that the landlord has adjusted the rental payment date to the commencement of the rental period of the tenancy.

The valuation

16. Having carefully considered all the available evidence, the Tribunal considers that the rent that would be achieved in good condition with modern

amenities would be £1650 pcm. Although comparable evidence was higher, the property was small for a three bed roomed flat, and the lack of a lift impacts upon its market value.

17. £1650 is the rent that would be achieved if the property was let in good condition with all modern amenities. However the tenants have installed nearly all of the amenities in the property. It therefore determined a deduction of 35% overall. Based upon these findings from the inspection the tribunal considers that the market rent for the property in its current condition is £ 1072.50 per calendar month.
18. The Tribunal received no evidence of hardship and, therefore, the rent determined by the tribunal is to take effect from the date proposed by the respondent, i.e. 1st August 2023.

Name: Judge H Carr

Date: 2nd October 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 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.

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).