



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

**Case Reference** : **TR/LON/00AC/MNR/2023/0336**

**Property** : **Flat 45 Ensign House, 48 Aerodrome Road, London, NW9 5ZR**

**Tenant** : **Ms Irena Patsovska**

**Landlord** : **Haart**

**Date of Objection** : **26 July 2023**

**Type of Application** : **Determination of a Market Rent sections 13 & 14 of the Housing Act 1988**

**Tribunal** : **Mr A Harris LLM FRICS FCIArb**

**Date of Summary Reasons** : **23 October 2023**

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**DECISION**

**The Tribunal determines a rent of £1700.00 per calendar month with effect from 30 July 2023.**

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## **SUMMARY REASONS**

### **Background**

1. On 30 June 2023 the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £ 1700.00 in place of the existing rent of £ 1575.00 per month to take effect from 30 July 2023.
2. On 26 July 2023 under Section 13(4)(a) of the Housing Act 1988, the Tenant referred the Landlord's notice proposing a new rent to the Tribunal for determination of a market rent. The Tenant's referral was received by the Tribunal on 26 July 2023.

### **Inspection**

3. The Tribunal did not inspect the property but considered this case on the basis of the papers provided by the parties.

### **Evidence**

4. The directions provided that written evidence from the landlord was to be submitted by 11 September 2023 and a reply from the tenant by 25 September. Late evidence from the landlord was sent to the tribunal at 19.33 on 17 October 2023 without explanation. Late evidence was received by the tribunal from the tenant at 17.25 on 16 October 2023 with an explanation this was due to illness and awaiting receipt of documents from the Local Authority.
5. The tenants documents included an improvement notice dated 3 October which the tribunal considered to be relevant to the level of rent and the tribunal therefore admits both party's late documents.
6. The improvement notice identified a category 2 hazard of defective ventilation in both bathrooms and kitchen leading to excessive mould in the flat

### **Determination and Valuation**

7. Having consideration of our own expert, general knowledge of rental values in the area, we consider that the open market rent for the property in the condition and with the amenities the market would expect would be in the region of £2000.00 per calendar month. From this level of rent we have made adjustments in relation to:
  - a. Vermin infestation
  - b. Tenant supplying a washing machine
  - c. The improvement notice

8. The full valuation is shown below:

		PCM
AST Market rent		£ 2,000.00
less condition	15.0%	<u>-£ 300.00</u>
		£ 1,700.00

### **Decision**

9. The Tribunal therefore determined that the rent at which the subject property might reasonably be expected to be let in the open market by a willing Landlord under an assured tenancy was £1700.00 per calendar month.
10. The Tribunal directed the new rent of £1700.00 to take effect on 30 July 2023, this being the date as set out in the Landlord's Notice of Increase.

**Chairman: A Harris**

**Date: 23 October 2023**

### **APPEAL PROVISIONS**

These summary reasons are provided to give the parties an indication as to how the Tribunal made its decision. If either party wishes to appeal this decision, they should first make a request for full reasons and the details of how to appeal will be set out in the full reasons. Any subsequent application for permission to appeal should be made on Form RP PTA.