



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

**Case Reference** : **LON/OOAY/MNR/2023/0247**

**Property** : **38 Fieldhouse Road, Balham London  
SW12 0HJ**

**Tenant** : **Mr Mark Howard**

**Landlord** : **J Grice M Ceeney as Trustees for E H  
Dashwood Will Trust**

**Representative** : **Dutton Gregory Solicitors**

**Date of Objection** : **23 April 2023**

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

**Tribunal** : **Mr D Jagger MRICS  
Mr A Ring**

**Date of Summary  
Reasons** : **24 November 2023**

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**DECISION**

**The Tribunal determines a rent of £1680 per calendar month with  
effect from 1 May 2023.**

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## **SUMMARY REASONS**

### **Background**

1. On the 24 March 2023 the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £1,700 per month in place of the existing rent of £900 per month to take effect from 1 May 2023. The existing rent had been agreed by negotiation between the parties in March 2022, following the tenant's succession to an assured periodic tenancy on the death of his mother in March 2020.

2. On the 23 April 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.

### **Inspection**

3. The Tribunal inspected the property on the 24 November 2023 in the presence of the Tenant and Mr Murphy on behalf of the Landlord.

### **Evidence**

4. The Tribunal has had consideration to the inspection and the written submissions provided by the Tenant and the Landlord.

### **Determination and Valuation**

5. Having consideration of our own expert general knowledge of rental values in the Balham area, we consider that the open market rent for the property if it were in good marketable condition with reasonably modern kitchen and bathroom, double glazing, modern services, carpets and curtains and white goods supplied by the landlord would be £2,800 per month. Using our own expertise, we considered that deductions of 40% should be applied to take into account the terms of the tenancy, and the actual current condition of the property as seen on inspection. This provides a deduction of £1,120 per month from the hypothetical rent. This reduces the figure to £1,680 per month.

It should be noted that this figure cannot be a simple arithmetical calculation and is not based upon capital costs but is the tribunal's estimate of the amount by which the rent would need to be reduced to attract a tenant.

6. The Tribunal determines a rent of £1,680 per calendar month.

### **Decision**

7. 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 in its current condition was £1,680 per calendar month.

8.The Tribunal directs the new rent of £1,680 to take effect on the 1 May 2023. This, being the date set out in the Landlord's Notice of Increase and the Tribunal was satisfied that a starting date of that specified in the Landlord's notice would not cause the tenant undue hardship.

**Chairman: Duncan Jagger MRICS**

**Date: 24 November 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.