



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

Case Reference : **HS/LON/00AZ/MNR/2023/0367**

Property : **60 Longshore, Deptford, London ,
SE8 3DG**

Tenant : **Mrs Luciana Pereira Duailibe
Mr Wlademir Costa da Silva**

Landlord : **Hyde Housing Association Ltd**

Date of Objection : **24 August 2023**

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

Tribunal : **Ian B Holdsworth FRICS MCI Arb
John Francis QPM**

**Date of Summary
Reasons** : **6 November 2023**

DECISION

**The Tribunal determines a rent of £ 1700 per calendar month with
effect from 4 September 2023.**

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SUMMARY REASONS

Background

1. On 31 January 2023 the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £1,832 per month in place of the existing rent of £1,176.33 per month to take effect from 1 April 2023. This Notice was deemed defective and the Landlord gave a subsequent compliant Notice on 24 July 2023 to take effect from 4 September 2023.

2. On 24 August 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 and Hearing

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

4. A hearing was held on 6 November at Alfred Place to discuss the application. Mrs Luciana Pereira Duailibe attended and was represented by Mr David Watts, an adviser from Bench Outreach. Ms Donna Jones a Customer Charge Manger represented Hyde Housing Association Ltd.

5. Mr Watts submitted oral and written evidence that he claimed supported the contention that the rent charged by the Landlord should be abated by 20%. Mr Watts confirmed to Tribunal on questioning, that the tenancy agreement did not specify the Landlord should apply a discount to the market rent. The Tribunal concluded for this reason they had no jurisdiction to determine a rent at 80% of the market rental rent for the dwelling as proposed by the applicant.

6. Both parties gave evidence on tenant improvements, property dilapidations and comparable rental evidence.

Evidence

7. The Tribunal has had consideration of the written and oral submissions provided by the representatives of the Tenant and the Landlord.

Determination and Valuation

8. Having consideration of the comparable evidence proved by the parties and of our own expert, general knowledge of rental values in the area, we consider that the open market rent for the property in a typical market rental condition would be in the region of £2,000 per calendar month. From this level of rent we have made adjustments to reflect tenant improvements, tenant furniture and floor coverings, dilapidation and obsolescence at the property. The tribunal have also had regard for anti-social behaviour in the locality.

9. The full valuation is shown below:

60 Longshore, Deptford , London SE8 3DG				
Market rent calculation in accordance with Housing Act 1988 Section 13				
Market rent		£2,000.00	per month	
Disregards			Deduction per month	Deduction as %
Furnished by tenant			£100.00	5.00%
Obsolescence/Material rental matters				
Basic kitchen with limited work surface and storage			£50.00	2.50%
Basic bathroom fittings			£50.00	2.50%
Anti social behaviour in or around locality			£100.00	5.00%
		Adjustment total	£300.00	15.00%
Adjusted Market Rent			£1,700.00	per month

Decision

10. 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 **£1,700 per calendar month**.

11. The Tribunal directed the new rent of **£1,700 per month** to take effect on 4 September 2023.

Chairman: Ian B Holdsworth

Date: 6 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.

You can only appeal if the First-tier Tribunal decision was wrong on one or more points of law and you must say why the First-tier Tribunal was wrong in law.