



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

Case Reference : **LON/00BK/MNR/2023/0187**

**HMCTS code
(paper, video, audio)** : **P:PAPERREMOTE**

Property : **Flat 1A, 85 Kellett Road, London,
SW2 1EA**

Tenant : **Miss. Karen Thompson**

Landlord : **London & Quadrant Housing Trust**

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

Tribunal Members : **Judge Sarah McKeown
Miss. Marina Krisko FRICS**

**Date and venue of
Consideration** : **10 Alfred Place, London WC1E 7LR**

**Date of Summary
Reasons** : **10 November 2023**

Description of hearing

This has been a paper hearing which the parties are taken to have consented to, as explained below. A face-to-face hearing was not held because it was not practicable and all issues could be determined in a paper hearing. The form of remote hearing was P:PAPERREMOTE. The Tribunal's decision is below.

DECISION

The Tribunal determines a rent of £150 per week with effect from 10 November 2023.

SUMMARY REASONS

The Background

1. The Applicant's tenancy commenced on 5 May 2014. The property is described in the tenancy agreement as being an unfurnished flat, with living room, kitchen, bathroom/WC, one double bedroom and two single bedrooms, split over the ground and first floor with sole use of the garden.
2. Under cover of a letter dated 23 January 2023, the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £161.89 (which includes service charges of £2.10) per week in place of the existing rent of £151.34 (which includes service charges of £2) per week per month to take effect from 3 April 2023.
3. Pursuant to s.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 30 March 2023.
4. The application was supported by documentation including:
 - (a) a letter dated 27 March 2023 stating, among other things, that the premises were "riddled with mould/Damp/condensation" and that access to the third bedroom was not possible until the room was free from mould;
 - (b) A letter from Chris Rudd solicitors dated 20 January 2023;
 - (c) A report of Legal Surveyors UK Limited dated 27 December 2022;

Inspection

5. The Tribunal inspected the property on 10 November 2023. The Tribunal noted damp to the property (including damp caused by external disrepair), badly cracked and broken sills allowing water penetration, poor brickwork with cracks and holes allowing damp, no apparent DPC and a leaking downpipe. The Tribunal were informed (and it was evident) that some works had recently been

carried out by or on behalf of the Respondent, but that issues of damp, as noted, remained.

Evidence

6. The directions dated 30 June 2023 provided that the Respondent was to complete the Reply Form with any comments it wished to make and any documents it wished to rely upon by 21 July 2023 (a completed Reply Form was returned). The Applicant was to do the same by 4 August 2023. There was then provision for a reply from the Respondent by 11 August 2023.
7. The order also provided that the Tribunal would decide the application based on the written submissions of the parties, but that either party may request a hearing. No such hearing was requested.
8. On 25 August 2023, the Tribunal wrote to the parties to confirm that it would arrange an inspection of the property, as a Valuer Chair believed that it was necessary.
9. On the same day, the Applicant emailed the Tribunal on 25 August 2023 with comments/submissions.
10. On 10 October 2023, the Respondent emailed the Tribunal commenting upon the works which had been carried out to the property and attaching a Completion Report dated 7 September 2023 and photographs.
11. The Respondent had also provided an inspection report dated 28 February 2023 of Mr. House BSc (Hons) and a “HealthyHomes Report CAS revisit” arising from a visit on 10 July 2023.
12. The Applicant emailed the Tribunal on 1 November 2023, enclosing some correspondence detailing some issues with the property and attaching photographs.

Determination and Valuation

13. 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 to be in the region of £500 per week. From this level of rent we have made adjustments in relation to:
 - a. Tenant’s improvements – flooring, curtains, carpets, white goods;

- b. Dated kitchen and lack of floor coverings noted at inspection;
- c. Condition - damp to the property (including damp caused by external disrepair), badly cracked and broken sills allowing water penetration, poor brickwork with cracks and holes allowing damp, no apparent DPC and a leaking downpipe.

14. The full valuation is shown below:

			PCW
AST Market rent			£500
Less tenant's improvements	15%	-	£75
Less 5% for dated kitchen and lack of floor coverings	5%	-	£25
Less condition	50%	-	£250
			£150

Decision

- 15. 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 £150 per week.
- 16. The Tribunal directed that the new rent of £150 per week to take effect on 3 April 2023, which is the date specified in the notice.

Name: Judge Sarah McKeown Date: 10 November 2023

APPEAL PROVISIONS

These summary reasons are provided to give the parties and 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.