



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

Case Reference	:	LON/00AZ/MNR/2023/0329
Property	:	73 Grierson Road, Honor Oak Park, London, SE23 1PE
Landlord	:	Nurliah Fisher
Tenant	:	Thibaut Vandame
Type of Application	:	Assessment of Market Rent sections 13 & 14 Housing Act 1988
Tribunal Members	:	Judge Robert Latham Alison Flynn MA MRICS
Date and venue of Determination	:	1 December 2023 at 10 Alfred Place, London WC1E 7LR

DECISION AND SUMMARY REASONS

The Tribunal determines a market rent of £675 per month. The increase will take effect from 27 November 2023.

Background

1. On 24 June 2023, the tenant issued an application referring a notice proposing a new rent under an assured periodic tenancy to the Tribunal pursuant to section 13(4) of the Housing Act 1988 (“the Act”). On 18 June 2023, the landlord had served a notice pursuant to section 13(2) of the Act proposing a new rent of £775 per month in place of the existing rent of £600 pm with effect from 27 July 2023. The tenancy commenced on 27 June 2017.

The Hearing and Inspection

2. The Tribunal held a hearing, by video, attended by Mr Vandame, Mrs Fisher, and her son Mr Ismail Fisher. Mr Vandame stated that he would prefer that Mrs Fisher should not attend the inspection; she agreed to this. The Tribunal

stressed that the purpose of the inspection was merely to see the room and the property. No evidence would be taken.

3. The property at 100 Grierson Road is a two storey semi-detached house with a loft conversion. This is an HMO with five rooms. The tenant of the room in the loft conversion has an ensuite bathroom. The four other tenants share a bathroom on the first floor and a toilet on the ground floor. All the tenants share a kitchen. The rent includes gas, electricity, water, internet and council tax.
4. Mr Vandame has not paid any rent increase since the commencement of the tenancy in 2017. It was apparent that there is some antagonism between the parties. The other tenants have agreed to cost of living increases. The landlady has redecorated the other rooms and supplied new flooring. Mr Vandame was not willing to grant access for these works to be executed. He would have had to move to a smaller room whilst the works were executed. On 20 September 2023, Mrs Fisher served a Notice Seeking Possession.
5. Mr Vandame occupies the master bedroom on the first floor. The living room on the ground floor is now used as a bedroom. This is similar in size to Mr Vandame's room. This room is occupied by Mr Jason Felix who pays a rent of £700 pm. The Tribunal inspected this room. It has been decorated and has new flooring. By contrast, there is a worn and dirty carpet in the room occupied by Mr Vandame.

The Law

6. Section 14 of the Act requires the Tribunal to determine the rent at which the dwelling can reasonably be expected to be let in the open market by a willing landlord under an assured tenancy:
 - (a) which is a periodic tenancy having the same periods as those of the tenancy to which the notice relates;
 - (b) which begins at the beginning of the new period specified in the notice;
 - (c) the terms of which (other than relating to the amount of the rent) are the same as those of the tenancy to which the notice relates; and
 - (d) in respect of which the same notices, if any, have been given under any of Grounds 1 to 5 of Schedule 2 to this Act, as have been given (or have effect as if given) in relation to the tenancy to which the notice relates.
7. In making a determination under this section, the Tribunal shall disregard:
 - (a) any effect on the rent attributable to the granting of a tenancy to a sitting tenant;
 - (b) any increase in the value of the dwelling-house attributable to a relevant improvement carried out by a person who at the time it was carried out was the tenant, if the improvement:

(i) was carried out otherwise than in pursuance of an obligation to his immediate landlord, or

(ii) was carried out pursuant to an obligation to his immediate landlord being an obligation which did not relate to the specific improvement concerned but arose by reference to consent given to the carrying out of that improvement; and

(c) any reduction in the value of the dwelling-house attributable to a failure by the tenant to comply with any terms of the tenancy.

Assessment of the Market Rent

8. In reaching our determination, the Tribunal has had regard to our expert knowledge and general knowledge of rental values in the area. The Tribunal first determined the market rent which the landlord could reasonably expect to obtain for the room in the open market if it were let today in the condition that is considered usual for such an open market letting. We assessed this at £700 month.
9. It is difficult to value HMOs as so much depends upon the arrangements in the relevant properties. However, we are satisfied that the downstairs room occupied by Mr Felix is the best comparable. He pays £700 per month. However, the landlord has redecorated this room and provided new flooring. The Tribunal therefore makes a reduction of £25 to reflect this and assesses a market rent for the room at £675 per month.
10. Mr Vandame is a musician. He was made redundant during Covid-19. He is in receipt of universal credit, which leaves him with a significant shortfall in his housing costs. He will find it difficult to meet the increase and has been looking for alternative accommodation. Any increase would normally take effect from the new period specified in the notice of increase. However, the tribunal is satisfied that this would cause undue hardship to the tenant. Section 14(7) of the Act gives the Tribunal a discretion in these circumstances to specify a later date (not being later than the date of our determination). We therefore specify that the increase shall take effect from 27 November 2023.

Judge Robert Latham
1 December 2023

Rights of Appeal

1. You can only appeal this rent determination 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.

2. These summary reasons are provided to give the parties an indication as to how the Tribunal made its decision.

3. 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.