



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

**Case Reference** : **LON/OOBH/MNR/2023/0403**

**Property** : **124 Francis Road, Leyton, London  
E10 6PR**

**Tenant** : **Ms Detelina Valeva**

**Landlord** : **Mr Osman Khaliq c/o In Estates Ltd**

**Date of Tenants  
Objection** : **21 September 2023**

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

**Tribunal** : **Mr D Jagger MRICS  
Mr O Miller**

**Date of Summary  
Reasons** : **15 January 2024**

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**DECISION**

**The Tribunal determines a rent of £1445 per calendar month with  
effect from 1 October 2023.**

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## SUMMARY REASONS

### Background

1. On the 23rd August 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 £1,120 per month to take effect from 1st October 2023. The rent set out in the tenancy agreement which commenced on the 21st September 2022 was £1,120 per month.

2. On the 21st September 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 15<sup>th</sup> January 2023 at 11.45 am in the presence of the tenant, Mr Mayet confirmed a representative from the landlord's letting agent In Estates Ltd would be in attendance but he was not present. The inspection revealed the property was originally built as a one bedroom flat with a separate access. Over the years, the layout of these properties has been rearranged to provide two bedrooms and a small living room and kitchen at the rear. The front room of the flat is suffering from significant damp and condensation issues. There is black pin mould growth around the front bay and extensive damp staining to the outer flank wall. In the Tribunal's opinion these are more than condensation issues due to "life style". There appears to be inherent damp problems which require further investigation from the landlord. These are potential health issues particularly for people with respiratory problems. The kitchen and bathroom fittings are dated and there is evidence of crumbling plaster under the thick wallpaper coverings.

### Evidence and Hearing

4. The Tribunal has had consideration to the written submissions provided by the Landlord and tenant together with the comparable evidence provided by the landlord. A Video hearing took place on the 15<sup>th</sup> January 2024 which was attended by the tenant and Mr Mayet on behalf of the landlord.

During the hearing, each party explained why such an increase should take place and the damp issues were considered at length. Mr Mayet stated two recent inspections have been undertaken by the agents and it is considered any staining should be wiped clean by the tenant.

### Determination and Valuation

5. In the first instance the Tribunal determined what rent the landlord could reasonably be expected to obtain for the property in the **open market** if it

were let today in the condition that is considered usual for such an open market letting.

Based upon the evidence provided by the parties together with its expert knowledge, the Tribunal consider that the subject property, if finished to a reasonable standard with modern kitchen and bathroom fittings and no damp problems would be likely to attract a rent let on an assured shorthold tenancy, for £1700 per month.

Next, we need to **adjust that hypothetical rent of £1700 per month** to allow for damp to the kitchen walls, dated kitchen and bathroom fittings and the poor layout configuration.

Using our own expertise we considered that deductions of 15% should applied in order to take into account the above matters This provides a deduction of £255 and this reduces the figure to **£1,445** 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 £1,445 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 £1,445 per calendar month.

8. The Tribunal directs the new rent of £1,445 to take effect on the 1st October 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: 15th January 2024.**

## **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.