



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

Case reference : **LON/OOAL/MNR/2023/0135**

Property : **333 Greenhaven Drive, Thamesmead,
SE288FY**

Landlord : **Dr R Chowdhury**

Representative : **In Person**

Tenant : **Kelly Armitage**

Representative : **In Person**

Type of application : **Determination of rent under s.14
Housing Act 1988**

Tribunal : **Judge Shepherd
Kevin Ridgeway MRICS**

Date of Directions : **6th December 2023**

DETERMINATION

The property

1. The property is a three storey, end terrace town house in Thamesmead. The accommodation is comprised of three bedrooms, two reception rooms, two

bathrooms, garage and garden. Both parties attended the hearing on 24 November 2023. The Tribunal inspected the property after the hearing.

The law

2. Section 13 of the Housing Act 1988 sets out how rent should be increased by a landlord of an assured periodic tenant. For the purpose of securing an increase in the rent under a tenancy to which this section applies, the landlord may serve on the tenant a notice in the prescribed form proposing a new rent to take effect at the beginning of a new period of the tenancy specified in the notice.
3. Section 14 deals with determination of rent by the Tribunal when there has been a reference. The Tribunal determine the rent at which, subject to qualifications they consider that the dwelling-house concerned might 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.
4. The qualifications are that the Tribunal will 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.

Determination

5. The landlord put forward a number of comparable properties, which she considered adequately supported the proposed rental increase. The tenant doubted the relevance of these comparables and described the lack of repair undertaken by the landlord and the improvements she had made. The landlord stated that she has been denied access to the property which justified the lack of repair response.

6. The property was in reasonable condition though the applicant showed the Tribunal areas that required attention. Taking into account the comparable evidence and the comments made by both parties, it is the Tribunal's opinion that a rent of £1,600 per month should be set. The Applicant had made a case for undue hardship, which was accepted by the Tribunal, so accordingly the date the decision takes effect is 24 November 2023.

Judge Shepherd
6th December 2023

RIGHTS OF APPEAL

1. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) then a written application for permission must be made to the

First-Tier Tribunal at the Regional office which has been dealing with the case.

2. The application for permission to appeal must arrive at the Regional office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.

3. If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.

4. The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

