



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

Case reference : **LON/OOBG/MNR/2023/0397**

Property : **Flat 11 Orion Point, 7 Crew Street,
London E14 3TU**

Applicant : **Mr G Rabbani & Mrs Z.A, Kona**

Representative : **None**

Respondent : **Mrs Jia Qu**

Representative : **Pacific Estates Ltd**

Type of application : **Section 13(4) Housing Act 1988**

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

Venue : **Face to Face Hearing**

**Date of Extended
Reasons** : **January 2024**

DECISION

Decision of the tribunal

- (1) The Tribunal determines that the rent that the property in its current condition as at the 12th May 2023 might reasonably be expected to achieve in the open market under an assured tenancy is **£1,800 per month**

Background

1. The tenant has lived in the property as assured periodic tenants since 19th January 2020 when the Assured Tenancy Agreement commenced for a term of 24 months.
2. On the 1st August 2023 the landlord served a notice pursuant to section 13(2) of the Housing Act 1988 seeking to increase the rent from £1,550 per month to £1,950 per month, being an increase of £400 effective from 20th September 2023.
3. By an application dated 18th September 2023, the tenant referred that notice to the Tribunal for a determination of the market rent. The Tribunal issued Directions for the conduct of the matter on 27th October 2023.
4. The matter was set down for a face-to-face hearing at 10 Alfred Place, London WC1E 7lr. The Tribunal issued its decision on the 15th January 2024 with a Summary of Reasons. Following receipt of an email dated 17th January 2024 from the tenant a request was made for Extended Reasons in this matter.

The Evidence and the Hearing

5. The Tribunal has before it, a bundle of evidence which includes a background to the case, the application, the directions, the tenancy agreement, completed rent appeal statements on behalf of the landlord and the tenant together with photographic evidence and floor plan. Both the tenant and the landlord submitted a list of comparable evidence which we consider below.
6. The hearing took place on the 15th January 2024 which was attended by the landlord's husband and the tenant. During the hearing, each party were given the opportunity to explain their cases. The Tribunal considered both sets of comparable evidence and on balance preferred the landlord's evidence. The comparables provided were for flats in same building.

7. The accommodation comprises: 2 bedrooms, living room, kitchen, bathroom and balcony. There is central heating and double-glazed windows. There is allocated parking. The flat is located on the second floor and has 24-hour concierge and gym facilities. The block is located on the river with direct river views.

The Law

1. The rules governing a determination are set out in section 14 of the Housing Act 1988. In particular, the Tribunal is to determine the rent at which the property might reasonably be expected to be let in the open market by a willing landlord under an assured tenancy, subject to disregards in relation to the nature of the tenancy (i.e. it being granted to a “sitting tenant”) and any increase or reduction in the value due to the tenant’s improvements or failure to comply with the terms of the tenancy. In the absence of any evidence to the contrary, the Tribunal has proceeded on the basis that the landlord is responsible for repairs to the structure, exterior and any installations pursuant to section 11 of the Landlord and Tenant Act 1985 and the tenant for interior decoration.

The valuation

9. Having carefully considered all the evidence the Tribunal considers that the rent that would be achieved in good condition with reasonably modern kitchen and bathroom fittings, modern services, carpets, curtains and white goods supplied by the landlord would be **£1,800** per month. This figure is based upon the comparable evidence provided by the landlord and the Tribunal’s professional judgement and experience.
11. The average rent for rental properties in the Docklands area has increased every quarter since the end of 2019, according to the online property portal Rightmove. The rent increases are due to not enough properties coming to the market to meet demand and the number of homes for rent is 46% below 2019 levels. This puts this decision in context with the current rental market.
11. The Tribunal has been provided with a copy of the tenancy agreement, which incorporates the usual repair obligations.
12. The Tribunal received no evidence of hardship and, therefore, the rent determined by the tribunal is to take effect from **20th September 2023**.

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

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.

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.

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.

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.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).