



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

Case reference : **LON/00BG/MNR/2023/0404**

Property : **Flat 4 Len Bishop Court, 63
Schoolhouse Lane, London E1W
3AJ**

Landlord : **Newlon Housing Trust**

Tenant : **Mr Rajeev Nath**

Type of application : **Market rent determination in
accordance with section 14 of the
Housing Act 1988**

Tribunal members : **Judge M Jones
Ms S Phillips MRICS**

Date of decision : **15 January 2024**

Date of Reasons : **27 January 2024**

REASONS FOR DECISION

Decision of the tribunal

The FTT determines the rent to be £273.96 per week, with effect from 2 October 2023.

Background

1. On 27 September 2023 the Tenant applied to the First-tier Tribunal (“**FTT**”) referring a notice proposing a new rent under his assured periodic tenancy of the Property.
2. The notice, which was served under section 13(2) of the Housing Act 1988 (“**the Act**”) and was dated 21 August 2023, proposed a rent of £273.96 per week with effect from 2 October 2023.
3. Neither party sent written representations to the FTT regarding the application, and neither party requested an oral hearing.
4. The tenancy commenced on 29 February 2016. The Tenant remains in occupation as a statutory periodic tenant. The current rent payable is £256.04 per week.

Inspection

5. Neither party having requested an inspection, the FTT did not inspect the Property.

The Law

6. In accordance with the terms of section 14 of the Act, the FTT is required to determine the rent at which it considers the Property might reasonably be expected to let in the open market by a willing landlord under an assured tenancy on the same terms as the actual tenancy ignoring any increase in value attributable to tenant’s improvements and any decrease in value due to the tenant’s failure to comply with any terms of the tenancy. The FTT is also required to take into account (a) the condition of the Property, save to the extent that any disrepair is due to the Tenant’s failure to comply with any terms of the tenancy and (b) the terms of the tenancy.

Valuation

7. The starting point is to determine the rent which the Landlord could reasonably be expected to obtain for the Property in the open market in the condition considered usual for a modern letting (“**the initial valuation**”).

8. There was no specific comparable rental evidence from the Landlord or the Tenant. When calculating the initial valuation, the FTT decided to rely upon its own knowledge and experience. The range of rents for 2-bedroom properties in the neighbourhood, unfurnished, and in good condition seemed to be in the region of £1,180 to £1,200 per month, or £272.31 to £276.92 per week.
9. Having considered its own general knowledge of market rental levels for comparable properties in the area in which the Property is situated, the FTT arrived at an initial valuation of £273.96 per week.
10. The FTT had no evidence or representations before it to enable it to consider making any Adjustments to this initial valuation to take into account (a) the actual condition of the Property and (b) the differences (if any) between the terms of this letting and the terms of a standard assured shorthold tenancy.
11. Accordingly, the Market Rent for the Property, determined by the FTT for the purposes of section 14 of the Housing Act 1988, is £273.96 per calendar month with effect from 2 October 2023, being the date that the new rent was to take effect pursuant to the Landlord's notice.

Name: Judge M Jones

Date: 27 January 2024

ANNEX - RIGHTS OF APPEAL

- The Tribunal is required to set out rights of appeal against its decisions by virtue of the rule 36 (2)(c) of the Tribunal Procedure (First-tier Tribunal)(Property Chamber) Rules 2013 and these are set out below.
- If a party wishes to appeal against 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.