



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

Case reference : **TR/LON/00BG/MNR/2023/0292**

Property : **412, 122 East Ferry Road, E14 9FP**

Applicant : **Ms F Parente**

Representative : **In Person**

Respondent : **Metropolitan Housing Trust**

Representative : **Mr P Maris**

Type of application : **Decision in relation to section 13 of the Housing Act 1988**

Tribunal member(s) : **Judge Niamh O'Brien
Tribunal Member Sarah Phillips**

Date of decision : **31st January 2024**

DECISION

The Tribunal determines a rent of £1386.62 per calendar month with effect from 19th July 2023

Background:

1. The Respondent Landlord served a rent increase notice on the tenant under Form 4 dated 31 May 2023 stating that the new rent would start on 19 July 2023.
2. The tribunal received an application under section 13 of the Housing Act 1988 dated 28 June 2023 on 3rd July 2023.
3. The tribunal wrote to the parties on 12 October 2023 setting out its preliminary opinion that the tribunal did not have jurisdiction as section 1.5 of the tenancy agreement provided by the applicant relates to changes in rent after the expiry of the initial 12 month fixed term, as well as containing a provision whereby the rent may be increased within the first year of the tenancy.
4. Following a hearing on 27 November 2024 the Tribunal determined that it did have jurisdiction to determine a new rent as the tenancy is now a statutory periodic tenancy.
5. The tribunal did not inspect the property but considered this case on the basis of the submissions of the parties.

The tenancy

6. The property is a 2 bedroom flat on the 4th floor which was let on an assured shorthold tenancy agreement at an intermediate rent for a term beginning on 19 February 2021 and expiring on 18 February 2022. Rent was payable on the 1st day of the month. A tenancy at an intermediate rent of 80% of the market rent is a tenancy to which the provisions of the 1988 Act apply.
7. The statutory periodic tenancy commenced on 19 February 2022.

Relevant law:

8. Section 14(7) of the Housing Act 1988 provides:

“Where a notice under section 13(2) above has been referred to the appropriate tribunal, then, unless the landlord and the tenant otherwise agree, the rent determined by the appropriate tribunal (subject, in a case where subsection (5) above applies, to the addition of the appropriate amount in respect of rates) shall be the rent under the tenancy with effect from the beginning of the new period specified in the notice or, if it appears to the appropriate tribunal that that would

cause undue hardship to the tenant, with effect from such later date (not being later than the date the rent is determined) as the appropriate tribunal may direct.

Evidence

9. The tribunal considered the information in the application notice and our own expert general knowledge of rental values in the area. Neither party provided any evidence of comparable properties on the market. We consider that the open market rent for the property would be £1750 per month. We note that the applicant considers that the communal areas are not particularly well maintained and that the property is let at an intermediate rent of 80% of market rent. Therefore from the market rent we have made the following adjustments

Market rent	£1750
Deduct 5% for maintenance issues	£1662.50
Reduce by further 20%	£1330
Service charge	£56.62
New rent	£1,386.62

10. The directions order dated 28 November 2023 drew the parties attention to section 14(7) of the Housing Act 1988 and in particular to the fact that the assessed rent will usually commence at the date given in the landlord's notice of increase unless to do so would cause undue hardship to the tenant. No additional submissions or evidence in relation to the start date for the new rent was filed by either party.

Decision

11. The new rent has been assessed at £1386.62 per calendar month from 19 July 2023

Name: Judge O'Brien

Date: 31 January 2024

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).