



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

**Case Reference** : **LON/00AF/MNR/2023/0385**

**Property** : **Flat 3, Madras Villas, College Road,  
Bromley, BR1 3PE.**

**Tenant** : **Mr. S. Ayadi**

**Landlord** : **Ms. L. Johnston.**

**Type of Application** : **Determination of market rent following  
a notice of increase served pursuant to  
section 13 of the Housing Act 1988**

**Date of Application** : **11 September 2023**

**Tribunal Members** : **Tribunal Judge S.J. Walker  
Tribunal Member Mrs. A. Flynn MA  
MRICS**

**Venue and date of  
hearing** : **10, Alfred Place, London WC1E 7LR  
1 February 2024**

**Date of Summary  
Reasons** : **2 February 2024**

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**DECISION**

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**The Tribunal determines a rent of £1,280 per calendar month with effect from 3 October 2023.**

**SUMMARY REASONS**

**Background**

1. On 19 August 2023 the landlord served a notice under section 13(2) of the Housing Act 1988 which proposed a new rent of £1,350 per month in place of the existing rent of £1,100 per month to take effect from 3 October 2023.

2. On 11 September 2023 the tenant referred the landlord's notice proposing a new rent to the Tribunal for determination of a market rent under section 13(4)(a) of the Housing Act 1988.

### **Inspection**

3. The Tribunal carried out an inspection of the property on 1 February 2024.

### **Evidence**

4. The Tribunal has considered the written submissions provided by both the landlord and the tenant. A face to face hearing took place on 1 February 2024 which was attended by both parties. Neither party provided its own comparable evidence.

### **Determination and Valuation**

5. Having considered our own knowledge of rental values in the area as an expert Tribunal, our view is that the open market rent for the property would be £1,350 per month if it was in good condition.
6. Much of the tenant's case at the hearing concerned the high cost of heating the property. However, he had provided to the Tribunal an energy performance certificate dated 20 December 2022 which showed that the property had an energy rating of 63 D and so enabling the property to be let.
7. To reflect the fact that the property has a large bay window which is only single-glazed and draughty together with the existence of some damp in the kitchen and bedroom we considered a deduction of 5% should be applied. This amounts to a deduction of £67.50 per month.
8. The Tribunal therefore determined that the market rent was £1,282.50 rounded down to £1,280 per month.

### **Effective Date**

9. At the hearing the tenant argued that the date of increase should be later than the date specified in the landlord's notice pursuant to section 14(7) of the Housing Act 1988 as otherwise the increase would cause undue hardship. No documentary evidence was provided by the tenant to substantiate this argument.
10. The tenant's oral evidence was that he was currently on sick-leave from work and receiving statutory sick pay. He was also in receipt of Universal Credit and he had been receiving payments of Universal Credit for his housing costs since his wife had stopped working.
11. Given the fact that most if not all of the tenant's housing costs would be met from benefits, the Tribunal was not satisfied that increasing the rent from the date specified by the landlord would cause undue hardship.
12. The Tribunal therefore decided that the effective date should be 3 October 2023.

**Name:** Tribunal Judge S.J.  
Walker

**Date:** 2 February 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.