



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

<b>Case Reference</b>	: LON/OOBG/MNR/2023/0463
<b>Property</b>	: 46 City Tower, 3 Mill Harbour, London E14 9LS
<b>Applicant</b>	: Taposh Kumar Sahar
<b>Representative</b>	: N/A
<b>Respondent</b>	: Juan Zhou
<b>Representative</b>	: N/A
<b>Type of Application</b>	: <b>Rent appeal pursuant to s.14 Housing Act 1988</b>
<b>Tribunal Members</b>	: Judge Shepherd : Sarah Phillips MRICS
<b>Date of Determination</b>	: 6 <sup>th</sup> February 2024

---

**Determination**

---

**The property**

1. The property is a one bedroom flat on the third floor of a block with lounge/kitchen and bathroom/toilet.

**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 dwellinghouse attributable to a failure by the tenant to comply with any terms of the tenancy.

### **Determination**

5. The comparators in the vicinity suggest that the average rental for a flat like the present one is between £2050 and £2300 pcm. Accordingly the landlord's proposed rent increase to £1950 is acceptable.

**Judge Shepherd**

6<sup>th</sup> February 2024

ANNEX - RIGHTS OF APPEAL Appealing against the tribunal's decisions

1. A written application for permission must be made to the First-tier Tribunal at the Regional tribunal office which has been dealing with the case.
2. The application for permission to appeal must arrive at the Regional tribunal office within 28 days after the date this decision is sent to the parties.
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 state the grounds of appeal, and state the result the party making the application is seeking. All applications for permission to appeal will be considered on the papers
5. Any application to stay the effect of the decision must be made at the same time as the application for permission to appeal.