



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

**Case Reference** : **LON/OOBA/MNR/2033/0447**

**Property** : **455 Lynmouth Avenue, Morden,  
London SM4 4SA**

**Tenant** : **Mrs Rita Larcombe**

**Landlord** : **Mr Edward Steward**

**Representative** : **Mr Denis Copeland**

**Date of Application** : **29 October 2023**

**Type of Application** : **Determination of a Market Rent  
sections 13 & 14 of the Housing Act  
1988**

**Tribunal** : **Mr D Jagger MRICS  
Mr A Ring**

**Date of Summary  
Reasons** : **19<sup>th</sup> March 2024**

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**DECISION**

**The Tribunal determines a rent of £1210 per calendar month with  
effect from 19<sup>th</sup> March 2024.**

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## **SUMMARY REASONS**

### **Background**

1. On the 21 September 2023 the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £1,700 per month in place of the existing rent of £504 per month to take effect from 3 November 2023. On the evidence available to the Tribunal it would appear that, for the period since the tenant succeeded to the tenancy in 1994, the rent has been set by the Rent Officer under the provisions of the Rent Act 1977.,

2. On the 29 October 2023 under Section 13(4)(a) of the Housing Act 1988, the Tenant referred the Landlord's notice proposing a new rent to the Tribunal for determination of a market rent. As such, the Tribunal's jurisdiction is limited to such a determination. The decision set out below should not be regarded as a definitive statement in relation any issue concerning the current status of the tenancy for the purposes of controlling rent increases. Should that issue be contested, it is a matter for the County Court.

### **Inspection**

3. The Tribunal inspected the property on the 19 March 2024 in the presence of the Tenant, Mrs Larcombe together with her son and daughter.

### **Evidence**

4. The Tribunal has had consideration to the inspection and the written submissions provided by the Tenant and the Landlord.

### **Determination and Valuation**

5. Having consideration of our own expert general knowledge of rental values in the Morden area, we consider that the open market rent for the property if it were in good marketable condition with reasonably modern kitchen and bathroom, double glazing, modern services, carpets and curtains and white goods supplied by the landlord would be £2,200 per month. Using our own expertise, we considered that deductions of 45% should applied to take into account the terms of the tenancy, and the actual current condition of the property as seen on inspection. This provides a deduction of £990 per month from the hypothetical rent. This reduces the figure to £1,210 per month.

It should be noted that this figure cannot be a simple arithmetical calculation and is not based upon capital costs but is the tribunal's estimate of the amount by which the rent would need to be reduced to attract a tenant.

6. The Tribunal determines a rent of £1,210 per calendar month.

### **Decision**

7. The Tribunal therefore determined that the rent at which the subject property might reasonably be expected to be let in the open market by a willing Landlord under an assured tenancy in its current condition was £1,210 per calendar month.

8. The Tribunal directs the new rent of £1,210 to take effect on the 19 March 2024. This, being the date of the Tribunal's decision. The Tribunal was satisfied that a starting date of that specified in the Landlord's notice would cause the tenant undue hardship due to age and the significant increase in rental value.

**Chairman: Duncan Jagger MRICS**

**Date: 19 March 2024**

### **APPEAL PROVISIONS**

These summary reasons are provided to give the parties an indication as to how the Tribunal made its decision. If either party wishes to appeal this decision, they should first make a request for full reasons and the details of how to appeal will be set out in the full reasons. Any subsequent application for permission to appeal should be made on Form RP PTA.