



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

Case Reference : **LON/00BK/MNR/2024/0010**

Property : **Flat 1, 4 Spring Street, London W2 3R**

Tenant : **Natalie Jacqueline Tew**

Landlord : **Glasshouse Cribs Limited**

Date of Objection : **11 December 2023**

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

Tribunal : **Judge Tagliavini
Mr K Ridgeway MRICS**

**Date of
Reasons** : **8 April 2024**

DECISION

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The tribunal's decision

- (1.) The Tribunal determines a rent of £1,550 per calendar month with effect from 12 December 2023.**
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Background

1. On 8 November 2023 the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £1,7500 in place of the existing rent of £1,350 per month to take effect from 12 December 2023.
2. On 11 December 2023 under Section 13(4)(a) of the Housing Act 1988, the Tenant referred the Landlord's notice dated 23 November 2023 proposing a new rent to the Tribunal for determination of a market rent. The Tenant's referral was received by the Tribunal on 11 December 2023 and directions were issued to the parties.
3. The Tenant occupies the subject premise pursuant to a Tenancy Agreement dated 1 September 2022 with effect from 12 September 2022 for a fixed term of 6 months renewable with permission by the Landlord.

Inspection

4. The Tribunal did not inspect the property but considered this case on the basis of the papers provided by the Tenant.

Evidence

5. Neither party provided written submissions to the tribunal and therefore the application was determined on the application and supporting documents provided by the applicant.

Determination and Valuation

6. The subject property comprises a first floor studio flat with kitchen and bathroom/w.c. It is occupied by the applicant under a monthly periodic tenancy. In making its determination, the tribunal had regard to the provisions of section 14 of the Housing Act 1988, the relevant parts of which state:

(1)Where, under subsection (4)(a) of section 13 above, a tenant refers to the appropriate tribunal a notice under subsection (2) of that section, the appropriate tribunal shall determine the rent at which, subject to subsections (2) and (4) below, the appropriate tribunal 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.

(2)In making a determination under this section, there shall be disregarded—

(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 dwelling-house attributable to a failure by the tenant to comply with any terms of the tenancy.

(7)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.

7. Having regard to our own expert, general knowledge of rental values in the area of Paddington, Bayswater, Hyde Park, Westbourne Green, Notting Hill and Little Venice (part), we consider that the open market rent for the property in good tenantable condition would be in the region of £1,550 per calendar month. The tribunal determined there were no adjustments required to this figure.
8. The Tribunal determines a rent of £1,550 per calendar month is payable.

Decision

9. 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 was £1550 per calendar month.
10. The Tribunal directs the new rent of £1,550 to take effect on 12 December 2023. This being the date as set out in the Landlord's Notice of Increase as no representation were made in respect of any issue of hardship caused by the start date for the increased rent,

Name: Judge Tagliavini

Date: 8 April 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 should be made on Form RP PTA available at <https://www.gov.uk/government/publications/form-rp-pta-application-for-permission-to-appeal-a-decision-to-the-upper-tribunal-lands-chamber>

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. Please note that if you are seeking permission to appeal against a decision made by the Tribunal under the Rent Act 1977, the Housing Act 1988 or the Local Government and Housing Act 1989, this can only be on a point of law.

If the Tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).