



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

Case reference : **LON/00BG/MNR/2023/0394**

Property : **215, 122 East Ferry Road, London, E14
9ET**

Tenant : **Ms Vittoria Argentin**

Landlord : **Metropolitan Housing Trust**

Date of objection : **28 March 2023**

Type of application : **Determination of Market Rent under
sections 13 and 14 of the Housing Act
1988**

Tribunal members : **Judge H. Lumby
Mrs S Phillips MRICS**

Venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **21 February 2024**

WRITTEN REASONS

Decisions of the tribunal

The tribunal determines a rent of £1,727.82 per calendar month with effect from 12 July 2023, to include £68.53 per calendar month for services.

Written reasons

Background

1. On 31 May 2023 the Landlord served a notice under section 13(2) of the Housing Act 1988 which proposed a new rent of £1,727.82 per calendar month (including £68.53 per calendar month for services) in place of the existing rent of £1,659.29 per calendar month (including £60.60 per calendar month for services) to take effect from 12 July 2023. This notice took the place of an earlier notice, with the effect that the proposed increase was postponed.
2. On 28 March 2023 under section 13(4)(a) of the Housing Act 1988, the Tenant referred the Landlord's previous notice proposing a new rent to the Tribunal for determination of a market rent.
3. The Tribunal did not inspect the Property as neither party requested an inspection and the Tribunal considered that it could make its determination without seeing the Property, based on the parties' submissions.
4. The Tribunal has issued its notice of determination today. These are the reasons for its determination.

Property

5. The Property comprises a second floor flat, comprising an open plan kitchen and living room, one double and two single bedrooms, a bathroom and a balcony. Central heating, double glazing and white goods are provided by the Landlord, together with carpets and some curtains. The Property does not come with parking or any external space other than the balcony.
6. The Tenant has raised some issues with the condition of the Property during her occupancy, citing for example issues with toilets, the oven, the patio door and a leaking boiler. She states that some issues remain unresolved. The Tribunal has taken account of the fact that there are issues with the condition ongoing in reaching its determination.
7. The Property has been let to the Tenant pursuant to an assured periodic tenancy. This began on 12 July 2021 and the Tenant pays an

Intermediate Rent, set at 80% of the open market rent. There is no mechanism in the lease for fixed or upward only rent increases.

8. The Landlord also provides services as part of the rent, with an identified element payable for this. The current rent is £1,659.29 per calendar month, of which £60.60 is in respect of those services.
9. The Landlord's responsibility for repair largely reflects the duties imposed on landlords by section 11 of the Landlord and Tenant Act 1985. The Tenant is responsible for minor repairs to the interior and keeping it clean and in good condition.

Comparables

10. The Tenant provided a number of comparables as part of her submissions to the Tribunal. After deducting 20% to give Intermediate Rents, these show rents ranging from £1600 to £1680 per calendar month. None of these include a services element.
11. The Tribunal considered a number of comparables in the close vicinity of the Property. These had all been let with the information relied upon all freely available on the internet. The Tribunal had no private knowledge which it took into account in reaching its determination. These showed a higher market rent than the comparables provided by the Tenant.

Determination and Valuation

12. The Tribunal accepts that the comparables offered by the Tenant provide a useful indication of market rent. A discount is required from the comparables found by the Tribunal to reflect the Property's condition. Its conclusion is that the Intermediate Rent of the Property (ie after discounting the market rent by 20% and ignoring services) is around £1,660 per calendar month.

Decision

13. 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 around £1,660 per calendar month. To this has to be added the services charge of £68.53 per calendar month. This gives a figure of £1728.53 per calendar month.
14. The Landlord has put forward a proposed rent of £1,727.82 per calendar month (comprising a rental figure of £1,659.29 and services of £68.53). Given that this reflects the Tribunal's own assessment, it accepts the Landlord's figure. The Tribunal therefore determines that the rent

should be set at £1,727.82 per calendar month (comprising a rental figure of £1,659.29 and services of £68.53).

15. The Tribunal directed that the new rent of £1,727.82 per calendar month to take effect on 12 July 2023. The Tribunal was satisfied that a starting date of that specified in the Landlord's notice would not cause the Tenant undue hardship and therefore should be accepted.

Name: Tribunal Judge Lumby **Date:** 21 February 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).