



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

Case Reference : **LON/OOAB/MNR/2024/0017**

Property : **17 Winterbourne Road, Dagenham,
Essex RM8 2JZ**

Tenant : **Mr Gregory Taylor**

Landlord : **Osbourne Properties Services Ltd**

Representative : **Mr Abu Shoag**

Date of Objection : **1 December 2023**

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

Tribunal : **Mr D Jagger MRICS
Mr C Piarroux**

**Date of Summary
Reasons** : **3 May 2024**

DECISION

**The Tribunal determines a rent of £1,800 per calendar month with
effect from 3 May 2024.**

SUMMARY REASONS

Background

1. On the **25 November 2023** the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of **£1,925** per month in place of the existing rent of **£1,750** per month to take effect from **20 January 2024**.

2. On **the 1 December 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.

Hearing

3. At the request of the Tenant a Video Hearing took place at **10am on the 3 May 2024**. This was attended by both the Tenant and Mr Shoag on behalf of the Landlord. The parties did not request the Tribunal to inspect the property and the Tribunal were satisfied this was not required and relied on information provided by the parties together with its expert knowledge.

The Tenants Case

The Tenant stated that his starting point for a property in superior condition was **£1890** per month and considers there should be an adjustment of **£140** to reflect the condition of the property which sets the rent at the same level. This adjustment is due to the damp and mould in his daughter's bedroom and the fact that the double glazed windows do not contain trickle vents. The Tenant made an application in connection with Hardship. He stated he is a single parent bringing up two children. He has a job in IT at a local school. He receives Universal Credit as top up and in his bundle of evidence was a recent bank statement.

The Landlords Case

The Landlord confirmed that in recent years that costs of maintenance and hiring contractors had increased dramatically and this must have a bearing on the proposed rent. Otherwise, he considered a market rent was in the region of **£2,200** per month and the proposed rent **of £1,925** lies below that figure and has been set to in order to continue the tenancy.

Evidence

4. The Tribunal has had consideration to the written and verbal 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 Dagenham area, we consider that the open market rent for the property in good lettable condition with modern fittings and services would be **£1,900** per month. Using our own expertise, we considered that deductions of **£100** should be applied to take into account the condition of the property. The property is suffering from damp and mould in the second bedroom. This reduces the figure to **£1,800** 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 **£1,800** 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 **£1,800** per calendar month.

8. The Tribunal accepts the evidence provided by the Tenant in connection with Hardship and directs the new rent of **£1,800** to take effect on the **3 May 2024**.

9. Under Section 14 of the Housing Act 1988 – Determination of rent by a Tribunal 14(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. In short, the provision allows the Tribunal to defer the date of increase to the date of determination.

Chairman: Duncan Jagger MRICS

Date: 3 May 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.