

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

Case Reference : **LON/00BG/MNR/2024/0009**

Hearing Type : **By Way of Written Representations**

Property : **Flat 2, Tyndal Court, Transom Square, London,
E14 3TQ**

Applicant : **Mr Abu Yousiff & Mrs Jannat Sharmin**

Respondent : **Mr Naeem Zafar**

Type of Application : **Section 13 of the Housing Act 1988**

Tribunal Member : **Mr J A Naylor FRICS, FIRPM
Valuer Chairman**

Date of Decision : **15 April 2024**

REASONS

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Background

1. On 20 October 2023 the landlord served a Notice under Section 13(2) of the Housing Act 1988 proposing an increase in the rent of the above property from the current rent of £1,600 per calendar month to £1,950 per calendar month.
2. On 30 November 2023 the tenant made an application to the Tribunal for the determination of a market rent.
3. By way of a letter dated 7 February 2024, the Tribunal wrote to the parties and provided directions asking for the completion of the reply form and submissions relating to the rental value of the property. The landlord was given until 27 February 2024, the tenant was to reply and submit by 12 March 2024 and the landlord was given a final opportunity to respond by 19 March 2024.
4. Neither party made submissions to the Tribunal.
5. On 8 April 2024 on the papers and without a hearing, the Tribunal determined that the market rent for the property was £1,850 per calendar month.

The Law

6. When determining a market rent in accordance with the Housing Act 1988 Section 13, regard must be had to all of the circumstances (other than personal circumstances) including the age, location and state of repair of the property, matters contained within the rent, repairing obligations, etc. This means that issues such as the tenant's ability to pay the rent or bills associated with the property are not a consideration for the Tribunal in assessing the rent.

The Property

7. From Google Maps and information available on various agent websites and property portals, and information provided by the parties, the Tribunal has found as follows:

The property comprises a relatively modern purpose built flat comprising lounge, two bedrooms, bathroom and kitchen.

There is no specific garden for the sole use of the subject property.

The property is fairly typical of Docklands development and is similar to a number of those surrounding as it is located on a small low rise estate of properties similar in age, character and design.

The property is relatively well placed for local and transport shopping facilities.

Valuation

8. The Tribunal must firstly determine the market rent for a property of this size, in this location and in its current condition. It must also disregard the personal circumstances of either party. The Tribunal notes any comments made by the landlord or tenant in their submissions and will take these factors into consideration. Using its own general knowledge of the Greater London property market and in particular the property market in this area of London, the Tribunal considers that the market rent for a property of this size, in this location, in average condition, with the usual white goods, carpets and decorated to a good condition would be £1,850 per calendar month.

Name: Mr John A Naylor FRICS, FIRPM
Valuer Chairman

Date: 15 April 2024

ANNEX – 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 might 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 this 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. Any appeal in respect of the Housing Act 1988 should 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).