



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

**Case Reference** : **HS/LON/00BF/MNR/2024/0053**

**Property** : **140 Henley Avenue, Cheam, Sutton,  
Surrey SM3 9SA.**

**Tenant** : **Ms. Wan Ching Wong  
Mr. Wai Ming Leung**

**Landlord** : **Mr. D. B. Dean  
Mrs. K. J. Dean**

**Date of Objection** : **29 January 2024.**

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

**Tribunal** : **Aileen Hamilton-Farey.**

**Date of  
Reasons** : **20 May 2024.**

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**DECISION**

**The Tribunal determines a rent of £2,000.00 per calendar month  
with effect from 30 January 2024.**

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## REASONS FOR THE DECISION

### Background

1. On 8 December 2023 the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of **£1850.00** in place of the existing rent of **£1600.00 per calendar month** to take effect from **30 January 2024**

2. On **29 January 2024** 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.

### Inspection

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

### Evidence

4. The Tribunal has consideration of the written submissions provided by the Landlord. There were no written submissions from the tenants with regard to rental values in the area. The tenant complained that the property suffered from condensation due to poorly fitting double glazing and that the porch leaked. Video and photographic evidence was provided. The landlord replied to say that the windows were of an older style and the rubber seals internally were not defective and acted as a cushion for the glass which was sealed on the outside. The landlord also said that the leaking porch was due to a defect in the adjacent property. It is not clear whether the landlord has contacted the next-door occupier to have this problem resolved. The landlord also provided details of similar properties in the area all of which were of a similar size and had been let at higher amounts than the subject property.

### Determination and Valuation

5. Having consideration of the comparable evidence proved by the landlord and the tribunal's own expert, general knowledge of rental values in the area, we consider that the open market rent for the property in good tenable condition would be in the region of **£2,200.00 per calendar month**. The tribunal has made an adjustment to this figure to reflect the leaking porch, which not in the ownership of the landlord should be the subject of some discussion between the landlord and adjoining owner, and the fact that the property is not fully furnished.

### Decision

8. The Tribunal therefore determined that the rent at which the subject property might reasonably be expected to be let on the open market by a willing Landlord under an assured tenancy was **£2,000.00 per calendar month**.

9. The Tribunal directs the new rent of **£2,000.00** to take effect on **30 January 2024, this being the date as set out in the Landlords Notice of Increase.**

**Chairman: Aileen Hamilton-Farey      Date: 20 May 2024.**