



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

Case Reference : **HS/LON/00AJ/MNR/2024/0090**

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

Property : **Flat A, 87 York Road, London, W3 6TN**

Applicant : **Tatiana Giraldo Serna (Tenant)**

Respondent : **Samuel Waterworth & Guy Pearson-Gregory
(Landlord)**

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

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

Date of Decision : **12th July 2024**

FULL REASONS

REASONS

Background

1. By way of a notice dated 16 January 2024 under Section 13(2) of the Housing Act 1988, the landlord proposed an increase in the rent of the above property to £2,000.00 per month from the current rent of £1,500.00 per month.
2. On 15 February 2024 the tenant made an application to the Tribunal (received 16 February 2024) for the determination of a market rent.
3. By way of a letter dated 24 April 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 15 May 2024 to make such submissions and the tenant was given an opportunity to reply and submit by 29 May 2024 with the landlord given a final opportunity to respond by 5 June 2024.
4. The reply form was returned by the landlord, but no reply form was received from the tenant.
5. By way of a letter dated 16 February 2023 (believed to be incorrectly dated and assumed to be 16 February 2024), the tenant stated that he believed the rent asked by the landlord to be unreasonable based on current market rents taking into account the condition of the property. The tenant advises that the property has not been well maintained and also that the landlord had issued a Section 21 Notice to terminate the tenancy.
6. The landlord confirmed that they required neither inspection nor a hearing to take place and stated that they have undertaken some maintenance of the building recently, including the re-covering of a flat roof, redecoration of bedroom, living room and hallway and the provision of a new boiler.
7. The landlord also pointed out that the property is very well located for transport and shopping facilities.
8. The landlord has provided comparable evidence for the basis of their contention that the rent is £2,000.00 per month This they support with three comparables and details of each. The landlord has also provided a plan of the property confirming the floor area to be 728ftsq and photographs of the interior and exterior .

9. The tenant initially provided no evidence that the rent is an unfair rent at £2,000 per month.
10. On 17th June the tenant advised the Tribunal that as a result of personal circumstances and illness they had not been able to make submissions and requested an further opportunity to do so . Consent to do so was conveyed to the tenant
11. No evidence was received on the 17th June nor had further evidence been received by 21st June and the Tribunal wrote to the tenant providing an final opportunity to make submissions within 7 days from the date of the letter .
12. No further correspondence has been received from the tenant.
13. On 12th July 2024, on the basis of rent submissions and without a hearing, the Tribunal determined that the market rent of the above property was £2,000.00 per month.

The Law

14. 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

15. From Google Maps and information available on various agents' websites and property portals, and information provided by both the landlord and tenant, the Tribunal was able to determine:

The property comprises a ground floor flat in a semi-detached two storey house that was previously used as a single residential dwelling and has subsequently been converted.

16. The accommodation is understood to comprise; lounge, kitchen, bathroom / WC and two bedrooms.

17. The flat is believed to benefit from a patio area outside and is both double glazed and centrally heated.
18. The property is relatively well placed for local transport and shopping facilities.

Valuation

19. 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 the comments made by both the landlord and the tenant in their submissions and takes these into consideration. Using its own general knowledge of the Greater London property market, and in particular the property market in the Central London area, 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 standard would be £2,000.000 per month.
20. Taking into account the submissions of both the landlords and the tenant, the Tribunal is of the opinion that the landlord does maintain the property to a reasonable standard.
21. The Tribunal, therefore, makes no deductions from the market rent of £2,000.00 per month to reflect the conditions within the property.

Valuation Calculation

Market rent	£2,000.00 per month.
Less:	NIL
Adjusted net rent of	£2,000 per month.

Name: Mr John A Naylor FRICS FIRPM

Date: 12th July 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).