



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

Case reference : **CHI/43UH/MNR/2024/0017**

Property : **4 Laleham Abbey, Laleham Park, Staines
Upon Thames, Surrey, TW18 1SZ**

Applicant Tenants : **Elizabeth –Anne Macedo**

Representative : **In Person**

Respondent Landlord : **Anhgel Ly**

Representative : **The Frost Partnership**

Type of application : **Determination of a Market Rent
Sections 13 & 14 Housing Act 1988**

Tribunal member(s) : **Mr. R Waterhouse FRICS
Mr. M Woodrow MRICS**

Date of determination : **21 May 2024**

Date of reasons : **21 May 2024**

REASONS

Decision of the Tribunal

On 21 May 2024 the Tribunal determined a Market Rent of £1400.00 per month to take effect from 28 January 2024.

Background

1. By way of an application dated **12 January 2024** received by the Tribunal on **12 January 2024** the Applicant tenant of 4 Laleham Abbey, Laleham Park, Staines-Upon-Thames TW18 1SZ (hereinafter referred to as “the property”) referred a Notice of Increase in Rent (“the Notice”) by the Respondent landlord of the property under Section 13 of the Housing Act 1988 (“the Act”) to the Tribunal.
2. The Notice, dated 31st October 2023, proposed a new rent of **£1,500.00 per month** in lieu of a passing rent of **£1,300.00 per month**, to take effect from **28 January 2024**.
3. The property was let to the tenant by way of an Assured Shorthold Tenancy agreement commencing **28 January 2023, for 12 months**. A copy of the tenancy agreement was provided.
4. On **6 February 2024** the Tribunal issued Directions advising the parties that it considered the matter suitable for determination on the papers unless either party objected, in writing, within 7 days. In accord with current Tribunal policy the parties were advised that no inspection would be undertaken unless either party objected. No objections were received.
5. The Directions required the landlord and tenant to submit their completed statements to the Tribunal by 20 February 2024 and 5 March 2024 respectively, with copies to be sent to the other party.
6. Having reviewed the submissions, the Tribunal concluded that the matter remained capable of being determined fairly, justly and efficiently on the papers, consistent with the overriding objective of the Tribunal.
7. These reasons address in **summary form** the key issues raised by the parties. They do not recite each point referred to in submissions but concentrate on those issues which, in the Tribunal’s view, are fundamental to the determination.
8. By an application dated 4 March 2024 the Landlord’s Representative, Karen Morris of the Frost Partnership, requested that evidence submitted by email on the 29th February 2024 should be accepted, because an earlier email had not been received. The Tribunal accepted the evidence. No further reply was received from the Tenant and the Tribunal therefore accepted the Application dated 12 January 2024 together with the various attachments as comprising her case and submissions.

Law

9. In accordance with the terms of Section 14 of the Act, the Tribunal is required to

determine the rent at which it considers the subject property might reasonably be expected to let on the open market, by a willing landlord, under an assured tenancy, on the same terms as the actual Tenancy.

10. In so doing, and in accordance with the Act, the Tribunal ignores any increase in value attributable to tenants' improvements and any decrease in value due to the tenants' failure to comply with any terms of the tenancy.

The Property

11. The Tribunal did not inspect the property but did view external images on publicly available online platforms.
12. The property comprises a converted first floor flat within a substantial Grade II* listed period mansion. The accommodation comprises one bedroom, one living room, a kitchen and a bathroom with shower attachment over the bath. The property had a few items of furniture; umbrella stand, a small TV cabinet, a kitchen bin and some glasses.

Submissions – Tenants

13. The tenant's submissions, excluding consideration of personal circumstances which are to be disregarded in setting a market rent under the Act, can be summarised as follows.
14. An inventory, 57 pages, of the condition and contents of the property at the point of taking out the assured shorthold tenancy the document is dated 28 January 2023. This is a record of the property both in narrative and photographs.
15. Included in the submission are the details of 55 other properties that are available for letting in the vicinity.

Submissions – Landlord

16. The landlords' submissions, excluding consideration of personal circumstances which are to be disregarded in setting a market rent, can be summarised as follows.
17. The tenancy agreement plus the original lettings details of the property compiled by The Frost Partnership, which include a floorplan and some interior and exterior photographs.
18. The Landlord also includes a number of marketing details of other properties in the vicinity available for letting.

Determination

19. The Tribunal has carefully considered all the submissions before it.
20. The Tribunal determines a market rent for a property by reference to rental values generally and, in particular, to the rental values for comparable properties in the locality. The Tribunal has no regard to the current rent and the period of time which that rent has been charged, nor does it take into account the percentage increase which the proposed rent represents to the

passing rent. In addition, the legislation makes it clear that the Tribunal is unable to account for the personal circumstances of either the landlord or the tenant.

21. The date at which the Tribunal assesses the rent is the effective date contained within the landlord's Notice which, in this instance, is the **28 January 2024**. The Tribunal disregards any improvements made by the tenants but has regard to the impact on rental value of disrepair which is not due to a failure of the tenant to comply with the terms of the tenancy.
22. In the first instance, the Tribunal determined what rent the landlord could reasonably be expected to obtain for the property in the open market, if it were let on the effective date and in the condition that is considered usual for such a market letting.
23. The Tribunal thanks the parties for the submission of rental information. Weighing the parties' comparable evidence against its own expert knowledge as a specialist Tribunal and having regard to the size, nature and specification of the property. The Tribunal determined that the open market rent of the property in good tenantable condition is **£1500.00** per month.
24. Once the hypothetical rent was established it was necessary for the Tribunal to determine whether the property meets the standard of accommodation, repair and amenity of a typical modern letting.
25. The Tribunal finds the condition to be slightly impacted by several minor maintenance issues and deducts £100 per month.
26. Accordingly, the Tribunal finds the adjusted open market rent to be £1400.00 per month.
27. The tenant made no submissions to the Tribunal in regard to delaying the effective date of the revised rent on the ground of undue hardship under section 14(7) of the Act. Accordingly, the rent of **£1400.00 per month will take effect from 28 January 2024**, that being the date stipulated within the landlord's notice.

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application by email to rpsouthern@justice.gov.uk to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for

an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.

4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.