



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

Case Reference	:	LON/00AU/MNR/2024/0040
Property	:	Flat 5, Block J, Peabody Estate, Clerkenwell Close London EC1R 0LX
Applicant	:	Mark Adegbenro (Tenant)
Representative	:	None
Respondent	:	Peabody Housing Association (Landlord)
Representative	:	None
Type of Application	:	Section 13(4) Housing Act 1988
Tribunal Members	:	N Martindale FRICS
Date and venue of Hearing	:	10 Alfred Place London WC1E 7LR
Date of Decision	:	29 July 2024 (set aside) 31 July 2024 (re-issued)

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application dated 12 January 2024 from the tenant of the Property, regarding a notice of increase of rent served by the landlord, under S.13 of the Housing Act 1988 (the Act).
- 2 The notice, dated 23 November 2023, proposed a new rent of £841 per calendar month, with effect from and including 30 January 2024. The passing rent was said to be £785.69 per calendar month.

- 3 The tenancy is an assured shorthold periodic monthly tenancy. A copy of the last tenancy agreement was provided.
- 4 Directions were issued 9 April 2024 by Judge S J Walker. Neither party requested a hearing. The Tribunal does not routinely carry out inspections.
- 5 The Tribunal received an initial application. The Tribunal sent out its standard Reply Form to both landlord and tenant.
- 6 The Tribunal carefully considered and noted such representations as it received from both parties regarding the location layout size and condition of the Property and other available and let comparable properties in the location.

Property

- 7 The Property is a purpose built higher floor flat in a low rise 5 level block, dating from the 1890s, brick fair faced external walls and slated double pitched roof. Accommodation comprised 1 bedroom, living room, kitchen and bathroom/ wc. There is no record of full central heating or of double glazed windows.
- 8 It is assumed that the flat was let without curtains, carpets or other floor finishes nor white goods, as is normal for social landlords. There is no record it was provided later by the landlord. The kitchen and bathroom are assumed to be functional but basic.
- 9 The Tribunal had regard to Google Streetview in Clerkenwell Close EC1 (data capture July 2022).

Law

- 10 In accordance with the terms of S14 of the Housing Act 1988 we are required to determine the rent at which we consider the property might reasonably be expected to let in the open market, by a willing landlord, under an assured tenancy, on the same terms as the actual tenancy; ignoring any increase in value attributable to tenant's improvements and any decrease in value due to the tenant's failure to comply with any terms of the tenancy. Thus the Property falls to be valued as it stands; but assuming that the Property to be in a reasonable internal decorative condition.

Decision

- 11 Based on the Tribunal's own general knowledge of market rent levels in Clerkenwell it determines that the subject Property would let on a normal Assured Shorthold Tenancy (AST) terms, for £1,850 per calendar month, fully fitted and in good order. The Tribunal makes a substantial deduction of £650 pcm for the lack of provision by the landlord of curtains, carpets, central heating, double glazing and the

basic kitchen and bathroom. The market rent is therefore determined at £1,200 pcm.

- 12 The new rent will take effect from and including 30 January 2024, the effective start date given in the landlord's Notice. As the Form of Determination dated 23 July 2024 states: **The Landlord is not obliged but, may charge a rent up to but, not in excess of, the figure shown at box 1; £1200 pcm.**
- 13 **The earlier reasons of 29 July 2024 are now set aside the accommodation detail having been corrected. This is the re-issued reasons of 31 July 2024 that replaces it.**

Name: N. Martindale **Date: 29 July 2024 (set aside)**
31 July 2024 (re-issued)

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 may have.

If either party is dissatisfied with this decision, they may apply for permission to appeal to the Upper Tribunal (Lands Chamber) on any point of law arising from this Decision.

Prior to making such an appeal, an application must be made, in writing, to this Tribunal for permission to appeal. Any such application must be made within 28 days of the issue of this decision to the person making the application (regulation 52 (2) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rule 2013).

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.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).

