



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

Case Reference : **GB/LON/00AJ/MNR/2024/0079**

Hearing Type : **By way of Written Representation**

Property : **176C Uxbridge Road, London W7 3TB**

Applicant : **Mr B Mark (Tenant)**

Representative : **Not applicable.**

Respondent : **Capital Housing Association (Landlord)**

Representative : **Not applicable.**

Type of Application : **Referral in Respect of Market Rent Under Section 13 of the Housing Act 1988**

Tribunal Members : **J. A. Naylor FRICS FIRPM
Valuer Chairman**

Date of Hearing : **26th July 2024**

Date of Full Reasons : **26th July 2024**

**STATEMENT OF FULL REASONS ON AN APPLICATION FOR
DETERMINATION OF A MARKET RENT UNDER S. 13 AND 14 OF THE
HOUSING ACT 1988.**

REASONS

Background

1. On 5 February 2024 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 passing rent of £1,053.78 per month to £1,150.00 per month.
2. On 19 February 2024 the Tenant made an application to the Tribunal for the determination of a market rent.
3. On 23 April 2024 the Tribunal wrote to the parties requesting a copy of a tenancy agreement.
4. The original tenancy was believed to have begun 5 August 2015.
5. By way of a letter dated 23 April 2024, the Tribunal issued directions. These required the Landlord to provide details of evidence on which they wished to rely by way of reply by 14 May 2024. The Tenant was directed to do the same by 28 May 2024 and the Landlord was given until 4 June 2024 for his response thereto.
6. Both parties took the opportunity to make submissions.
7. In consideration of the market rental value of the subject property, the Tribunal has taken into consideration all documentation before it including various letters and any reply forms returned by the parties.
8. By way of a letter / email dated 23 April 2024, the Tenant stated that the property has no central heating and carpets and curtains were not supplied but the property is double-glazed.
9. The Tenant's reply form does not contain any details of any defects or improvements that the Tenant has made to the property.
10. The Tenant confirmed that they did not require a hearing nor an inspection to be undertaken.
11. In the Landlord's reply form, the Landlord states that the property does have central heating and that they have provided carpets and curtains.
12. They also point out that the property has a parking space.

13. In an email dated 10 May 2024, and reiterated on the Landlord's reply form the Landlord states that they no longer wish to increase the rent of the above property and wished to withdraw their notice.
14. The Tribunal wrote to the parties on this particular issue in an email dated 9th July 2024 and specifically asked in light of this whether the Tenant wished to withdraw their application.
15. By way of an email to the Tribunal dated 9th July 2024 the Tribunal confirmed that they did not wish to withdraw their application and wished the Tribunal to proceed with its determination of an open market rent for the property.
16. No response was received from the Landlord .
17. Taking into consideration the opposing position of each of the parties, the Tribunal is of the opinion that it continues to have Jurisdiction as a result of the tenant's application which has not been withdrawn.
18. As a result the Tribunal continued to determine the application and make an assessment of the market rent on 26th July 2024

The Law

19. 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 tenants ability to pay the rent or bills associated with the property are not a consideration for the tribunal in assessing the rent.

Valuation

20. The Tribunal understands that the property comprises a top floor flat in a building understood to comprise a commercial unit on the ground floor with the remainder to the rear and upper floors converted to a number of residential units. The subject property is understood to comprise:

A self-contained flat of approximately 12m² , a bedsitting room, kitchen and bathroom/wc.

21. Following consideration of the written submissions given by both parties, and using the Tribunals own knowledge and experience of the rental market in the suburbs of London , the Tribunal finds that the market rental value of the property would be £900 per month .

Valuation calculation

22. Open market rent	£900 per month
Deduction for adjustments detailed above	£ Nil

The Tribunal therefore determines that the market rental value of the property should be set at a figure of £900 per month.

Chairman: J. A. Naylor FRICS FIRPM

Valuer Chairman

Date: 26th July 2024

ANNEX OF RIGHTS FOR MARKET RENTS

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).