



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

Case reference : **LON/OOBE/MNR/2024/0147**

Property : **Flat 4 St Augustine Court, Lynton Road,
London, SE1 5DP**

Applicant Tenants : **Aghogho Marina Odjegba**

Representative : **In Person**

Respondent Landlord : **Hyde Housing Association**

Representative : **In Person**

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

Tribunal member(s) : **Mr R Waterhouse FRICS**

Date of determination : **31 July 2024**

Date of reasons : **31 July 2024**

REASONS

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Decision of the Tribunal

On 31 July 2024 the Tribunal determined a Market Rent of £1300 per month from 19 April 2024. It should be noted that the amount determined represents the market rent determined under section 13, the landlord may choose to charge less.

Background

1. By way of an application received by the Tribunal on **10 March 2024** the Applicant tenant of **Flat 4 St Augustine Court, Lynton Road, London SE1 5DP** (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 **9 February 2024**, proposed a new rent of **£1383.20 per month** in lieu of a passing rent of **£973.341 per month**.
3. The property was let to the Tenants by way of an Assured Shorthold Tenancy commencing **19 April 2021** for 6 months. A copy of the tenancy agreement was provided.
4. On **4 June 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. No objections were received.
5. The Directions required the Landlord and Tenant to submit their completed statements to the Tribunal by **25 June 2024** and **9 July 2024** respectively, with copies to be sent to the other party. Both parties complied.
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.

Law

8. 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.

9. 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

10. The Tribunal did not inspect the property. From the Application form, it comprises a basement flat, with a living room, a bedroom, a bathroom and a WC.

Submission – Tenants

11. The Tenants' submissions, excluding consideration of personal circumstances which are to be disregarded in setting a market rent under the Act, can be summarised as follows.
12. From the Application Form, the tenants had carried out repairs for lightbulbs, washing machine, fridge and bathroom fittings (WC seat and shower hose).
13. The Tenant returned a completed Reply Form noting the property is double glazed, has central heating both supplied by the landlord and curtains/carpets and white goods supplied by the landlord. There is no parking space.
14. Concern expressed over the size; intermittent hot water, high bills copies supplied, various leaks, defective fridge, broken blinds and defective cooker hood.
15. The tenant includes a rental comparable in Lynton Road, Bermondsey at £1365 per month of a property the tenant asserts is in better condition and not basement.

Submissions- Landlord

16. There Landlord completed a Reply Form setting out the accommodation, including a tenancy agreement, a check in inventory,

Determination

17. The Tribunal has carefully considered all the submissions before it.
18. 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.
19. 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 **19**

April 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.

20. 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.
21. The Tribunal weighed the parties' comparable evidence against its own expert knowledge as a specialist Tribunal. The comparable provided by the tenant is within the building and of similar size but not in basement. The date of the letting is not known, and having regard to the nature, specification and size of the subject property determined **£1300.00 per month.**
22. The Tribunal is grateful for the submissions on condition by the tenant.
23. The rent determined is **£1300.00 per month.**
24. The Tenants 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. The rent of **£1300.00 per month** will take effect from **19 April 2024.**

Valuer Chair Waterhouse

Date: 31 July 2024

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.