



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

Case reference : **LON/OOAP/MNR/2024/0063**

Property : **79 Rutland Gardens London N4 1JW**

Applicant Tenants : **Brendan Hartley, Annalisa Mandia, William Baillie, Craig temple, Aleksandra Pajka.**

Representative : **In Person**

Respondent Landlord : **Brian Thomas**

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 : **28 August 2024**

Date of reasons : **28 August 2024**

REASONS

Decision of the Tribunal

On **28 August 2024** the Tribunal determined a Market Rent of **£3000.00 per month** to take effect from **28 February 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. The property 79 Rutland Gardens London N4 1JW is a multi-occupied house, there are five tenants in the house each with their own room. The tenants moved into the property at different times. No tenant has a formal tenancy agreement.
2. Summary of the individual tenants' positions from their five application forms.

| Applicant | Individual rent | Date moved in |
|------------------|-----------------|---------------------|
| Annalisa Mandaia | £326.00 | 28 January 2023 |
| Brendan Hartley | £626.00 | 28 October 2023 |
| Craig Temple | £326.00 | 28 January 2023 |
| Ola Pajka | No details | "November 2022" |
| William Baillie | No details | Pre 28 October 2023 |

3. The Notice of Increase of Rent dated **12 January 2024** proposed a new rent of **£3000.00 per month to take effect on 28 February 2024** in lieu of a passing rent of **£2500.00 per month**.
4. The tribunal has not received any tenancy agreements of either individual rooms or of the collective whole property.
5. On **3 July 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 accordance with current Tribunal policy the parties were advised that no inspection would be undertaken. No objections were received to determination on papers were received. No inspection was requested.
6. The Directions required the Landlord and Tenant to submit their completed statements to the Tribunal by **24 July 2024** and **7 August 2024** respectively, with copies to be sent to the other party. Both parties complied.
7. These reasons address 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 forms the property is a terraced house comprising one living room, five bedrooms, one kitchen, a WC and a bathroom. There is also an overgrown garden.
11. There are no details relating to Houses in Multiple Occupation Licenses.

Submission – Tenants

12. The application of Annalisa Mandia dated 10-2-2024 notes a report from Haringey Council detailing outstanding repairs to be done.
13. The application of Brandan Hartley dated 6 February 2024 notes the garden of the property is overgrown and that on taking occupation, their room was furnished by a bed and some drawers.
14. The application of Craig Temple dated 10 February 2024 repeats the submissions of the earlier two Application Forms.
15. The application of Ola Pajka dated 4 June 2024 notes occupancy since October 2022.
16. The application of William Ballie was received on the 12 April 2024.

Submissions- Landlord

17. The Landlord made no submissions.

The Determination

18. The Tribunal notes that the five tenants were in place at the time of the previous Notice of Increase in Rent and remain the same at the subject Notice of Increase in Rent.
19. The Tribunal finds there is one tenancy, albeit in the absence of a tenancy agreement. The Tribunal joins the applications together into one which seeks to challenge the level of rent in the Notice.
20. The Tribunal has carefully considered all the submissions before it.
21. 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 for 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.
22. The date the Tribunal assesses the rent is the effective date in the Landlord's Notice, which is the **28 February 2024**. The Tribunal disregards any

improvements made by the Tenants but considers the impact on rental value of disrepair, due to the Tenant's failure to comply with the tenancy terms or the Landlord's failure to repair.

23. 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 let. The Tribunal finds this to be **£3200.00 per month**.
24. The Tribunal notes from the Tenants submissions that the garden is overgrown and the shed in poor condition. The Tribunal makes an adjustment of **£200 per month to £3000.00 per month**.
25. The Tenants made no substantive submissions to the Tribunal about delaying the effective date of the revised rent due to undue hardship under section 14(7) of the Act. Accordingly, the rent of **£3000.00 per month** will take effect from **28 February 2024**.
26. The Tribunal makes no finding regarding the apportionment of the whole property's rent in terms of individual rooms.

Valuer Chair Mr. R Waterhouse FRICS Date: 13 September 2024

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 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 the 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.

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