



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

Case reference : **LON/00BK/MNR/2024/0115**

Property : **Flat C, 124 Portnall Road, W9 3BQ**

Tenants : **Punam Krithombuge Thanura Zakmal
and Pryangika Manjoani Gangoda
Vithanagie**

Landlord : **Peter Hyacinth**

Date of objection : **28 February 2024**

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

Tribunal members : **Judge Prof R Percival
Mrs A Flynn MA, MRICS**

**Venue and Date of
hearing** : **10 Alfred Place, London WC1E 7LR
30 August 2024**

**Date of summary
reasons** : **30 August 2024**

DECISION

**The Tribunal determines a rent of £1,725 per calendar month with
effect from 30 August 2024**

SUMMARY REASONS

Background

1. On 29 January 2024 the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £ 1800 per calendar month in place of the existing rent of £1463.68 to take effect from 1 March 2024.
2. By an application under Section 13(4)(a) of the Housing Act 1988, received in the Tribunal on 28 February 2024, the Tenants referred the Landlord's notice proposing a new rent to the Tribunal for determination of a market rent.

Inspection

3. The Tribunal has carried out an inspection of the property on 30 August 2024.

The Evidence

4. The Tribunal has considered the written submissions of both parties, including the properties submitted as comparable by the Landlord.
5. We considered that it was not appropriate to determine a starting-point market rent for a property in normal marketable condition, and then make specific reductions. Rather, we have had regard to the general condition of the property, and determined what we think would have been the correct market value in that condition. In particular, that means we are determining the market rent for a property with poor decoration throughout, tired and out-dated fixtures, tiles etc, windows in poor conditions, including secondary glazing rather than double glazing (except one window), hair line cracks, and stains from previous damp. As a result, we considered the market rent in its current condition would be £1,725. As a check, we considered that in good, refurbished condition, the property would realise £2,300, and that a 25% reduction to reflect its current state is appropriate.
6. We heard evidence from the Ms Vithanagie that the increase in rent would cause her and her joint tenant considerable hardship, in the light of their limited income, and the current state of inflation. We accept this evidence, and consider that timing the increase from the date in the section 13 notice would cause them undue hardship. We conclude that the new rent should take effect from today's date.

Decisions

7. The Tribunal therefore determined that the rent at which the subject property might reasonably be expected to be let in the open market by a willing Landlord under an assured tenancy was £1,725.
8. The Tribunal directs the new rent to take effect on the date of this decision.

Appeal Provisions

9. These summary reasons are provided to give the parties an indication as to how the Tribunal made its decision. If either party wishes to appeal this decision, they should first make a request for full reasons and the details of how to appeal will be set out in the full reasons. Any subsequent application for permission to appeal should be made on Form RP PTA.

Name: Judge Professor R Percival **Date:** 30 August 2024