



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

Case reference : **LON/OOAH/MNR/2024/0146**

Property : **4 Buxton Road, Mortlake, London , SW14 8SY**

Applicant Tenants : **Wendy Lynne Nowicki**

Representative : **In Person**

Respondent Landlord : **Hamways Ltd**

Representative : **In Person**

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

Tribunal member(s) : **Mr R Waterhouse FRICS
Mr J Francis QPM**

Date of determination : **4 October 2024**

Date of reasons : **4 October 2024**

REASONS

Decision of the Tribunal

On **4 October 2024** the Tribunal determined a Market Rent of **£1650.00 per month** to take effect from **1 January 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, 4 Buxton Road, Mortlake, London, SW14 8SY, is a terraced house, comprising one living room, one dining room, one kitchen, two double bedrooms, a single bedroom, and a bathroom. There is a garden.
2. The Notice of Increase of Rent dated **23 November 2023** proposed a new rent of **£1638.00 per month to take effect on 1 January 2024** in lieu of a passing rent of **£1560.00 per month**.
3. The Tribunal received the tenancy agreement with the application, showing the contractual term commenced in October 2020.
4. On **1 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. An inspection was requested by the Tenant.
5. The Directions required the Landlord and Tenant to submit their completed statements to the Tribunal by **5 August 2024** and **12 August 2024** respectively, with copies to be sent to the other party. Both parties complied.
6. 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

7. 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.

8. 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

9. The Tribunal did inspect the property. The property is mid terrace late Victorian in age. The property has single glazed sash windows throughout, heating to the property is either through plug in electric heaters or a single gas fire in the front living room. The property comprises, on the ground floor, a living room facing the road, a second living room facing the garden, and a kitchen which leads on to the garden. Additionally, there was an old unused outside WC that was accessible just beyond the kitchen. There was a pleasant walled garden. On the first floor was a bathroom fitted in the late 1970s or early 1980s, two double bedrooms with two double sockets in each room, and a single bedroom facing the road. The carpets are dated, the decoration in the hallway is bare plaster and generally the decor is dated in condition. Hot water to the house is supplied by the gas boiler in the bathroom.

Pre – Hearing Submission – Tenant

10. The Tenant in the Application Form dated 18 February 2024 noted under improvement that her mother put in the bathroom, and that husband and herself had put in a new kitchen.
11. At responsibility the Tenant in the Application Form noted that the external and structural repairs were the responsibility of the Landlord but the internal were the responsibility of the tenant.
12. A completed Reply Form was also submitted. Noting, there was no central heating or double glazing, but that the carpets, curtains and white goods were supplied by the tenant.
13. Under improvements it was noted that the landlord had fitted a new boiler in 2012 and the kitchen was fitted by the tenants in 2005.

In terms of disrepair the tenant notes the need for a new front door and that the front wall needs repairing also.

Pre- Hearing Submissions- Landlord

14. No submissions were received from the landlord.

The Determination

The determination was carried out on the papers supplied to the tribunal and the inspection. The property is structurally generally in good order. The Tenants have an assured tenancy succeeded from a previous regulated tenancy. Improvements carried out prior to the succession fall to be considered as landlords. The bathroom falls into this category. The kitchen, however, was fitted by the Tenant. Responsibility for decor and white goods

also falls to the Tenant. With the responsibility for the internal decoration and carpets, curtains falling to the Tenants no deduction is warranted for the actual condition, but an allowance is required for the liability to keep these in repair.

15. The Tribunal first considered what the rent should be if the property was in a condition normally associated with a contemporary let. Neither party provided evidence as to rental levels, so the tribunal drew on its expertise and determined £2750.00 per month.
16. The tenancy has responsibilities given to the Tenant that an assured shorthold tenancy would not have. These responsibilities are; internal decoration, carpeting, curtains and property is not in such condition.
17. The Tribunal then makes a deduction of 10% to reflect these responsibilities. Further the property does not have a level of specification normally associated with assured shorthold tenancies in contemporary condition. A further allowance for the dated kitchen, dated bathroom, no central heating and minimal electrical sockets is made. This is 30%.
18. The total allowance therefore ascribed to the rent of a property in a contemporary condition is 40%.
19. The Tribunal therefore determines £1650.00 per month.
20. 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 **£1650.00 per month** will take effect from **1 January 2024**.

Valuer Chair Mr. R Waterhouse FRICS Date: 4 October 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).