



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

Case reference : **LON/OOBA/MNR/2024/0168**

Property : **15 Buckingham Court, Lancaster Avenue, Mitcham CR4 1QN**

Applicant : **Ms Angelee Mikembi**

Representative : **None**

Respondent : **Moat Housing Limited**

Representative : **None**

Type of application : **Section 13(4) Housing Act 1988**

Tribunal members : **Mr D Jagger MRICS**

Venue : **Paper determination**

Date of Reasons : **15 October 2024**

DECISION

Decision of the tribunal

- (1) The Tribunal determines that the rent that the property in its current condition as at the 1st April 2024 might reasonably be expected to achieve in the open market under an assured tenancy is **£360 per week**.

Background

1. The tenant has lived in the property as assured periodic tenant since 12 October 2015.
2. On the 12th March 2023 the social landlord served a notice pursuant to section 13(2) of the Housing Act 1988 seeking to increase the rent from £231.82 per week to £249.67 per week, inclusive of fixed service charges of £15.62 effective from 1 April 2024.
3. By an application dated 18 March 2023, the tenant referred that notice to the Tribunal for a determination of the market rent. The Tribunal issued Directions for the conduct of the matter on 18th April 2023.
4. The Tribunal considered the matter suitable for a determination on the papers and therefore a hearing or inspection was not necessary. The parties did not disagree with this arrangement.

The Evidence

5. The Tribunal has before it a bundle of evidence which includes a background to the case, the application, tenancy agreement, floor plan, the directions, completed rent appeal statement on behalf of the landlord together with details of comparable rental evidence.
6. The accommodation comprises: 2 bedrooms, living room, kitchen, bathroom and separate wc. There is gas central heating. The property is a third floor self contained purpose built flat. The Tenant provided curtains, carpets and white good.

The Law

7. The rules governing a determination are set out in section 14 of the Housing Act 1988. In particular, the Tribunal is to determine the rent at which the property might reasonably be expected to be let in the open market by a willing landlord under an assured tenancy, subject to disregards in relation to the nature of the tenancy (i.e. it being granted to a “sitting tenant”) and any increase or reduction in the value due to

the tenant's improvements or failure to comply with the terms of the tenancy. In the absence of any evidence to the contrary, the Tribunal has proceeded on the basis that the landlord is responsible for repairs to the structure, exterior and any installations pursuant to section 11 of the Landlord and Tenant Act 1985 and the tenant for interior decoration.

The valuation

8. Having carefully considered all the evidence the Tribunal considers that the rent that would be achieved a good marketable condition with reasonably modern kitchen and bathroom fittings, modern services, carpets, curtains and white goods supplied by the landlord would be **£380** per week This figure is based upon the Tribunal's professional judgement and experience and helpful comparable evidence supplied by the Landlord.
9. The Tribunal now needs to adjust this rent to allow for the lack of curtains and white goods. It considers a deduction of £20 should be applied. This reduces the rental figure to £360 per week. It should be noted that this figure cannot be a simple arithmetical calculation and is not based upon capital costs but is the Tribunal's estimate of the amount by which the rent would need to be reduced to attract a tenant.
- 10 The average rent for rental properties in the Mitcham area has increased every quarter since the end of 2020, according to the online property portal Rightmove. The rent increases are due to not enough properties coming to the market to meet ever increasing demand and the number of homes for rent is 46 per cent below 2019 levels. This puts this decision in context with the current rental market.

It is often the case that market rents are in excess of those that maybe charged by social landlord's as it is a significant part of their remit to provide affordable housing. As such depending on the type of tenancy agreement their calculation of rent is either at a percentage of market rent or by way of index. Comparison is made with the open market rather than limited to other properties which are offered by social housing providers. It is assumed that the landlord will by usual convention of social landlord's not seek to increase the rent proposed in its original notice as a result of this determination.

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).