



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

Case Reference : **LON/00BB/MNR/2024/0336**

Property : **Ground floor flat, 6 Stanley Road,
Manor Park, London, E12 6RJ**

Tenant : **Mrs Shamsun Nahar**

Landlord : **Shahoor Malik**

Date of Objection : **13th June 2024**

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

Tribunal : **Mr D Jagger MRICS
Mrs E Ratcliff MRICS
Mr N Miller**

**Date of Summary
Reasons** : **27 September 2024**

DECISION

**The Tribunal determines a rent of £1,360 per calendar month with
effect from 1 July 2024.**

SUMMARY REASONS

Background

1. On the 30th May 2024 the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £1,650 per month in place of the existing rent of £1,300 per month to take effect from 1st July 2024. The Tribunal were provided with a copy of the revised tenancy agreement which commenced on the 1st August 2023. The tenant has lived at the property since 2009.

2. On the 13th June 2024 under Section 13(4)(a) of the Housing Act 1988, the Tenant referred the Landlord's notice proposing a new rent to the Tribunal for determination of a market rent.

Inspection and Hearing

3. A hearing to hear the parties representations was held at 9.30am on the 27th September 2024. The landlord was represented by his father Mohammed Azad Malik and the tenant was represented by her grandson Riyad Hossain.

4. Following the hearing, the Tribunal arrived at the property on the 27th September 2024 at 12.25 in the presence of the tenant and the landlord's father.

Evidence

5. Directions prepared by the Tribunal on the 1st August 2024. The Landlord and the Tenant provided the Tribunal with completed Reply Forms and comprehensive submissions which included photographs, a floor plan, and details of comparable evidence. In addition, the Landlord produced 5 letters from local letting agents setting out a recommended rental value for the property. The crucial question for the Tribunal to determine: is this a one- or two-bedroom flat? This matter is disputed between the parties and has a significant impact on rental value. The inspection revealed that there are two rooms, a kitchen open from a living area and a bathroom. At present, the tenant uses the two rooms as bedrooms with interconnecting doors. There is a very narrow communal area blocked by push chairs. The entrance to the flat is compromised a main entrance door into the second (rear) room with a second door directly into the first (front) room. This means that both rooms can be entered from the communal hall and access to the living area and kitchen can only be gained from the entrance via one or both of these two rooms. .

Determination and Valuation

6. Having consideration of the comparable evidence provided by the Landlord, the letting agents' correspondence and our own expert general knowledge of rental values in the Manor Park area, we consider that the open market rent for the property if it benefitted from a more conventional layout and were in good marketable condition with reasonably modern kitchen and bathroom, modern services, carpets and curtains and white goods supplied by the landlord would be **£1,700** per month.

7. From this level of rent we have made adjustments in relation to: the damp and mould in the bedrooms and bathroom, very dated kitchen and bathroom fittings, defective window and external door and, importantly, poor internal configuration which equates to approximately **20% (£340)**

Decision

8. 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 in its current condition was **£1,360** per calendar month.

8. The Tenant made an application to the Tribunal under s14(7). This provision allows the Tribunal to defer the date of increase to the date of determination if it appeared to the Tribunal that it would cause undue hardship to the tenant. The Tenant's representative has stated that the tenant is 3 months in arrears with rental payments due to confusion with housing benefit payments which will hopefully be resolved in the near future. The Tribunal has considered this request and on the balance of the evidence provided concludes that there is insufficient substantiation to show such undue hardship.

9. The Tribunal directs the new rent of £1,360 per month to take effect on the 1st July 2024. This, being the date set out in the Landlord's Notice of Increase.

Chairman: Duncan Jagger MRICS

Date: 27 September 2024

APPEAL PROVISIONS

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.