



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

Case Reference	:	LON/00AE/MNR/2024/0506
Property	:	85 Williamson Height, 5 South Way, London HA9 0JZ
Applicant	:	Abba Nwaneri (Tenant)
Representative	:	None
Respondent	:	Peabody Housing Association (Landlord)
Representative	:	None
Type of Application	:	Section 13(4) Housing Act 1988
Tribunal Members	:	N Martindale FRICS
Date and venue of Hearing	:	10 Alfred Place London WC1E 7LR
Date of Decision	:	26 November 2024

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application dated 26 July 2024 from the tenant of the Property, regarding a notice of increase of rent served by the landlord, under S.13 of the Housing Act 1988 (the Act).
- 2 The notice, dated 26 June 2024, proposed a new rent of £1610 per calendar month, with effect from and including 25 August 2024. The passing rent was said to be £1471.25 pcm in the landlord's Notice but £1375 pcm in the tenant's application form.

- 3 The tenancy is an assured shorthold periodic monthly tenancy. A copy of the last tenancy agreement was provided.
- 4 Directions were issued 4 October 2024. Neither party requested a hearing. The Tribunal does not routinely carry out inspections.
- 5 The Tribunal received an initial application. The Tribunal sent out its standard Reply Form to both landlord and tenant. Neither returned it.
- 6 The Tribunal carefully considered and noted such representations as it received from both parties regarding the location layout size and condition of the Property and other available and let comparable properties in the location.

Property

- 7 The Property appears to be a modern apartment of some 86m² located on the 13th floor of a post 2000 block of flats. The block is located in a relatively recent area of high rise development in Wembley. The block appeared to be of modern concrete and steel construction, clad in contemporary materials providing an attractive finish. There are lifts and stairs serving all levels.
- 8 The accommodation comprised 2 bedrooms, living room kitchen bathroom/wc. There were no outside areas let with the Property. No furniture in the Property was let to the tenant with it. In most lettings by housing associations floor finishes, curtains, blinds, etc are added by the tenants, with their white goods where they are not fitted, however no particular details were provided here, by either party.
- 9 The Tribunal had regard to Google Streetview in South Way (data capture October 2022).
- 10 The Tribunal is grateful for such other information as was supplied by the parties. The tenant also provided brief details of personal and family circumstances regarding his request for hardship, to be taken into account in setting the rent.

Law

- 11 In accordance with the terms of S14 of the Housing Act 1988 we are required to determine the rent at which we consider the property might reasonably be expected to let in the open market, by a willing landlord, under an assured tenancy, on the same terms as the actual tenancy; ignoring any increase in value attributable to tenant's improvements and any decrease in value due to the tenant's failure to comply with any terms of the tenancy. Thus the Property falls to be valued as it stands; but assuming that the Property to be in a reasonable internal decorative condition.

Decision

- 12 Based on the Tribunal's own general knowledge of market rent levels in and around Wembley, it determines that the subject Property would let on a normal Assured Shorthold Tenancy (AST) terms, for £1610 per calendar month, fully fitted and in good order. The market rent is therefore determined at £1610 pcm.
- 13 The tenant made limited representations to the Tribunal on their expected hardship if the rent was to be increased as proposed but, gave few hard facts, details, figures or supporting information. The legislation allows the Tribunal a small degree of flexibility to reflect any hardship element from an increased rent. To this extent permitted the Tribunal determines that the effective start date for the new rent be delayed from the date in the Notice of 25 August 2024, to the date of this determination, 26 November 2024.
- 14 The new rent will take effect from and including 26 November 2024, and not the earlier effective start date given in the landlord's Notice. As the Form of Determination dated 26 November 2024 states: **The Landlord is not obliged but, may charge a rent up to but, not in excess of, the figure shown at box 1.**

Name: N. Martindale

Date: 26 November 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 either party is dissatisfied with this decision, they may apply for permission to appeal to the Upper Tribunal (Lands Chamber) on any point of law arising from this Decision.

Prior to making such an appeal, an application must be made, in writing, to this Tribunal for permission to appeal. Any such application must be made within 28 days of the issue of this decision to the person making the application (regulation 52 (2) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rule 2013).

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).