



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

**Case reference** : **LON/00AK/MNR/2024/0371**

**Property** : **14a Winchmore Hill Road, London N14  
6PT**

**Tenants** : **Mr and Mrs Yildirim**

**Landlord** : **Ms Dixon-Kyriakides. Ms Dixon-Russell  
assisted the landlord at the hearing**

**Date of objection** : **18 July 2024**

**Type of application** : **Determination of a Market Rent  
sections 13 and 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  
20 November 2024**

**Date of reasons** : **21 November 2024**

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**DECISION**

**The Tribunal determines a rent of £1,645 per calendar month  
with effect from 4 August 2024**

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## **REASONS**

### **Background**

1. On 27 June 2024, the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £1,995 per calendar month in place of the existing rent of £1,345 per calendar month to take effect from 4 August 2024.
2. On 18 July 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. The Tenant's referral was received by the Tribunal on 19 July 2024.
3. A hearing and an inspection were scheduled for 20 November 2024.

### **The Evidence**

4. The tenant submitted information about the relationship between the parties, and asserted that the flat was in a poor and unhealthy condition, referring in particular to mould growth. The tenants also provided evidence of comparable properties, in the form of a link to a search on rightmove.com. The link produced a list of two bedroom flats in the area marketed at rents ranging from £1,850 to 2,300, but with a preponderance at around £2,000. All rent figures given are per calendar month.
5. The landlord also provided evidence of comparable properties, providing details in a helpful table cross-referencing what she considered to be the key characteristics relevant to valuation of each. Of the relevant properties (two bedroom flats in Southgate), two were marketed at £1,900 and one each at £1,950, 2,050 and 2,150. The landlord also produced a further local flat, which had been both marketed and let at £1,750.
6. For the Tribunal, Mrs Flynn put to the parties at the hearing comparables the Tribunal was minded to consider. Mrs Flynn's figures were for rents let, not marketed figures. They included the property in the landlord's list marketed at £1,950, which had been let at £1,850. In addition, she set out details of another at £1,750 and a third at £1,700, both in moderate sized purpose built blocks of flats, another at £1,575 (which it was accepted was a less attractive mezzanine property), and finally a property at £1,250 (which had been marketed at £1,650). The Tribunal considered this latter property to be in a different category to the instant property, and not to be helpful.

7. Mr Yildirim (who was to act for both tenants) failed to appear at the hearing. After initially being told by his wife that he was on his way, the case officer was told that he had not thought he was required to attend, as the hearing had been requested by the landlord.
8. We are satisfied that the tenants had had notice of the hearing and that there had been nothing in the material sent to him to suggest he did not need to attend. We had written evidence in advance from him. We concluded that, in the circumstances, it was in the interests of justice that we should proceed in his absence (Tribunal Procedure (First-tier Tribunal)(Property Chamber) Rules 2013, rule 34).

### **Inspection**

9. The Tribunal carried out an inspection of the property on 20 November 2024. The property is a converted ground floor flat.
10. We found the property to be, in general, a broadly attractive and well laid out flat, in reasonably good condition. As such, we reject the tenant's characterisation of it as being in a seriously defective and unhealthy state.
11. We also take account of the facts that it benefits from exclusive use of a large lawned garden, and a dedicated off-road parking space.
12. However, it was not in quite the state of those proposed as comparable properties. In particular, there was some evidence of damp in the immediate area of the back door, and some, confined, mould growth in that area; there was discolouration in the sitting room ceiling indicating damp penetration at some time in the past; the worktops in the kitchen were somewhat tired, including a broken rim in one place; there was some mould growth in the bathroom and some evidence of damp on one wall, and badly applied, discoloured and unattractive sealant round the bath. Outside, the concrete pathway to the side of the property was broken in places, and the alley door inoperably broken.

### **Determination and valuation**

13. In determining as a starting point what rent the property would be let as if in similar condition to those we used as comparables, we accepted the landlord's evidence that this property was at least somewhat more attractive to renters than those among the comparables that were in blocks of flats. Nonetheless, we considered that rent achieved on letting is a more reliable guide than marketed rent. We accept the landlord's evidence of a case in which the marketed rent had been achieved on letting, but consider that the preponderance of evidence – both in this context and more generally – was that there was a moderate reduction between marketed rent and that at which a property was let.

14. Taking into account our findings, as indicated above, and the comparable properties before us, we consider that the starting point is £1,825.
15. We have set out our findings above as to the factors that show that the property is not in the condition of the comparables. Taking them as a whole, we consider that they reduce the market rent for the property in the condition it now is by 10%. We round the rent we determine to £1645.

### **Decisions**

16. 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 £1,645 per calendar month.
17. The Tribunal directs the new rent of £1,645 per calendar month to take effect on 4 August 2024, this being the date as set out in the Landlord's Notice of Increase.

### **Rights of appeal**

18. 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 London regional office.
19. The application for permission to appeal must arrive at the office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.
20. If the application is not made within the 28 day time limit, the 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 these reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
21. The application for permission to appeal must identify the decision of the Tribunal to which it relates, 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.

**Name:** Judge Professor R Percival      **Date:** 21 November 2024