



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

Case Reference : **LON/00BK/MNR/2023/0418**

Property : **Flat 8 Dibdin House, Maida Vale W9
1QE**

Tenant : **Lisa Mary Jackson**

Representative : **Polly Robertson, Chair of Dibdin
House Residents' Association**

Respondent : **Grainger PLC**

Representative :

Type of Application : **Determination of Market Rent
Sections 13 & 14 Housing Act 1988
("1988Act")**

Tribunal Member(s) : **Judge Tildesley OBE
Alison Flynn MA MRICS**

**Date and venue of the
Hearing** : **10 Alfred Place London WC1E 7LR
25 November 2024**

Date of Decision : **4 December 2024**

DECISION
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Senior President of Tribunals Practice Direction: Reasons for Decisions 4 June 2024

1. This Practice Direction states basic and important principles on the giving of written reasons for decisions in the First-tier Tribunal. It is of general application throughout the First-tier Tribunal. It relates to the whole range of substantive and procedural decision-making in the Tribunal, by both judges and non-legal members. Accordingly, it must always be read and applied having regard to the particular nature of the decision in question and the particular circumstances in which that decision is made (paragraph 1).
2. Where reasons are given, they must always be adequate, clear, appropriately concise, and focused upon the principal controversial issues on which the outcome of the case has turned. To be adequate, the reasons for a judicial decision must explain to the parties why they have won and lost. The reasons must enable the reader to understand why the matter was decided as it was and what conclusions were reached on the main issues in dispute. They must always enable an appellate body to understand why the decision was reached, so that it is able to assess whether the decision involved the making of an error on a point of law. These fundamental principles apply to the tribunals as well as to the courts (paragraph 5).
3. Providing adequate reasons does not usually require the First-tier Tribunal to identify all of the evidence relied upon in reaching its findings of fact, to elaborate at length its conclusions on any issue of law, or to express every step of its reasoning. The reasons provided for any decision should be proportionate, not only to the resources of the Tribunal, but to the significance and complexity of the issues that have to be decided. Reasons need refer only to the main issues and evidence in dispute, and explain how those issues essential to the Tribunal's conclusion have been resolved (paragraph 6).
4. Stating reasons at any greater length than is necessary in the particular case is not in the interests of justice. To do so is an inefficient use of judicial time, does not assist either the parties or an appellate court or tribunal, and is therefore inconsistent with the overriding objective. Providing concise reasons is to be encouraged. Adequate reasons for a substantive decision may often be short. In some cases a few succinct paragraphs will suffice. For a procedural decision the reasons required will usually be shorter (Paragraph 7).

The Proceedings

5. On 13 September 2023 the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £ 1,538.76 per month in place of the existing rent of £1,398.87 per month to take effect from 1 November 2023.

6. On 20 September 2023 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 the same date of 20 September 2023.
7. On 10 June 2024 the Tribunal directed that it would decide the application during the fourteen days from 5 August 2024 based on the written submissions by the parties unless a party requested a hearing.
8. On 11 June 2024 the Tenant requested a hearing and provided written submissions in support of her application. The Tenant did not request an inspection of the property
9. The Landlord did not respond to the directions and has made no representations to the Tribunal.
10. On 15 November 2024 the Tribunal informed the parties that a hearing by video would take place on 25 November 2024 at 11.00am. Miss Jackson and Mrs Robertson joined the hearing by telephone. The Landlord did not participate in the hearing. The Tribunal did not inspect the property but viewed the building on the internet.

The Evidence

11. Dibdin House is a substantial brick built building with a flat roof, and constructed in the 1930s. The building comprises 233 flats organised in blocks of ten flats and arranged over five floors. There are no lifts in the property. The building has the benefit of a communal garden, and located close to local shops, bus routes and Maida Vale underground station.
12. The subject flat is located on the fourth floor, and comprises a living room, kitchen, two bedrooms, a bathroom with a shower over the bath, and a balcony. The flat has the benefit of gas central heating and double glazing.
13. Miss Jackson holds the flat on a monthly periodic assured tenancy which was granted on 8 February 1994. Miss Jackson explained that when she took on the tenancy the flat was a concrete shell which required her to install the bathroom and kitchen. Miss Jackson stated that throughout the tenancy she had carried out a series of improvements to the flat including the installation of internal doors, the tiling of the kitchen and the bathroom, and the boxing in of pipes. Miss Jackson supplied the carpets, curtains and white goods to the Flat.

14. Miss Jackson stated that the Landlord had installed a new gas boiler to the property but had not taken out the redundant water tank. Miss Jackson said that the Landlord was reluctant to carry out repairs to the flat, and had informed her that the mould in the property was her responsibility. Miss Jackson had purchased two humidifiers with one located in the living room and the other in the bedroom to mitigate the mould.
15. Mrs Robinson said that Westminster City Council charged rents of £136 a week for like for like flats. Mrs Robinson, however, placed weight on the monthly rents for Flats 30 and 106 Dibdin House which were around £1,000 and £1,200 respectively. Mrs Robinson pointed out that the tenants of Flats 30 and 106 held assured tenancies on the same terms as Miss Jackson with the same landlord. Mrs Robinson questioned why the rent of Miss Jackson's flat was higher than the rents for Flats 30 and 106 particularly as they had three bedrooms, whilst Miss Jackson's Flat had two bedrooms.
16. The Tribunal asked Mrs Robinson about Dolphin Living which rented out flats in Dibdin House. Mrs Robinson said that Dolphin Living provided bespoke flats to Londoners and assisted them in the purchase of a home. The Tribunal noted that Dolphin Living were advertising rents from £302 per week for newly refurbished two bedrooms flats at Dibdin House in neutral colours with gas central heating and a balcony. Dolphin Living classed these rents as intermediate rents which are 20 per cent below the market rent.

Decision

17. The Tribunal is required to determine the rent at which the subject flat might reasonably be expected to be let in the open market by a willing Landlord under an assured tenancy. The personal circumstances of the Tenant are not relevant to this issue.
18. The Tribunal had before it evidence of rents for flats on assured tenancies in Dibdin House which is probably the best evidence for determining the market rent for the subject flat. The Tribunal noted the rents for Flats 30 and 106 Dibdin House were the subject of previous Tribunal Decisions.
19. A previous Tribunal decided that the market rent in respect of Flat 30 that would be achieved in good condition was £1,650 per calendar month. The Tribunal observed that the relatively small size of the flat and the lack of a lift would adversely affect the market value. The Tribunal discounted the market rent by 35 per cent for the condition of the flat giving a market rent of £1,072.50 per calendar month starting on 1 August 2023. In respect of Flat 106, a previous Tribunal determined a market rent in good condition of £1,850 which was discounted to £1,225 per calendar month starting 16 February 2024 to reflect current condition.

Finally the Tribunal mentions the decision in Flat 4 which was a two bedroom flat on the first floor. In that case a previous Tribunal decided upon a market rent in good condition of £2,150 which was then discounted to £1,395 per calendar month to take effect on 1 November 2022.

20. The landlord had not challenged the tenant's evidence on the condition of the subject flat and comparable rents despite being provided with a copy of the tenant's submissions.
21. The Tribunal decides on the evidence before it that the market rent for the subject flat if let on 1 November 2023 in a condition that was usual for such an open market letting would be £1,600 per calendar month. In reaching this figure the Tribunal took into account the age of the building and that the Flat was on the fourth floor with no lift. The Tribunal considers that the figure of £1,600 is broadly consistent with the previous Tribunals' findings in relation to Flats 4, 30 and 106, and chimes with the rents advertised by Dolphin Living.
22. The Tribunal, however, finds that the rent of £1,600 per month is the rent that would be achieved if the property was let in good condition with all modern amenities. In this case, the tenant has installed nearly all the amenities and has had to deal with issues of disrepair. The Tribunal, therefore, decides that a discount of 35 per cent is justified to produce a market rent of £1,040 per calendar month.
23. **The Tribunal, therefore, determines a market rent of £1,040 per calendar month to take effect from 1 November 2023.**
24. The Tribunal notes that the landlord has issued a section 13 Notice proposing a new rent starting 1 November 2024. The Tribunal questions the validity of that Notice particularly as the rent for 2023 had not been determined. The Tribunal suggests that it should be withdrawn to avoid costly court proceedings.

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.