



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

**Case Reference** : **LON/OOAC/MNR/2024/0362**

**Property** : **Flat 45 Ensign House, 48 Aerodrome Road,  
London, NW9 5ZR**

**Tenant** : **Irena Patsovska**

**Landlord** : **Teoh Sengkeong, Tan Wun and Belany  
Teoh.**

**Date of Objection** : **8 July 2024**

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

**Tribunal** : **R Waterhouse FRICS  
O Miller**

**Date of Full  
Reasons** : **14 November 2024**

## DECISION

**The Tribunal determines a rent of £1870.00 per month with effect from 1 October 2024.**

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### Full REASONS

#### Background

1. On **20 June 2024** the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of **£2300.00 per month** in place of the existing rent of **£ 1700.00 per month** to take effect from **30 July 2024**.
2. An application dated **8 July 2024** was made 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 **8 July 2024**.

#### Inspection

3. The Tribunal did not inspect the property. The property a sixth floor flat comprised two bedrooms, one living room and one living room, is located in purpose-built block.

#### Evidence

#### Tenant

4. The Tribunal has considered the written submissions, oral submissions made at the hearing, provided by the parties. The Tribunal was attended by the Tenant and her partner. The Landlord did not attend.
5. The Tenant submitted a number of photographs showing issues around ventilation and leaks. The Tenant asserted that the bathroom had a ventilation extractor, however this was found to be in disrepair, as identified by the Landlord's contractors. This has resulted in mould in the bathroom. The Tenant submitted that the kitchen which had no nearby window, had an extractor in the hood of the hob which was filtering and recirculation only.
6. The Tenant asserted there were a number of defects;
  - mould due to lack or air circulation in the living room and the bedroom asserted the Tenant.
  - leaks in the bathrooms said to be confirmed by the landlord's plumber.

7. The Tenant asserted that if the property was in good repair, it should command a rent of £1800.00 to £1850.00 the basis of which had been informed by consideration of the market for flats in the vicinity. Taking into account the level of disrepair, the tenant considered a reasonable rent would be £1600.00 per month.

### **Landlord**

8. The Landlord submitted evidence of properties asserted to be similar which had asking rental figures of £2300.00 to £2350.00 per month. Submitting also they considered the flat to be in good order.

### **Determination and Valuation**

9. Having consideration of the comparable evidence proved by the parties and of our own expert, general knowledge of rental values in the area, we consider that the open market rent for the property in good tenantable condition would be in the region of £2200.00 per calendar month.

### **Decision**

10. The Tribunal considered what discount was applicable for the condition of both the room and the wider property. The discount determined was 15% the Tribunal therefore determined a rent of £1870.00 per month.

11. The Tenant did make an application on the basis of hardship, for the effective date of the rent to be later than that contained in the Notice of the rent Increase by the Landlord.

12. Given this evidence the Tribunal did make an adjustment for the hardship aspect of the Application. The tribunal has the power to determine any effective date from that requested by the Landlord in the Notice through to the date of the hearing.

13. The Tribunal in consideration of the evidence provided by the tenant, determines the test for hardship is made. The Tribunal considers there is hardship but not at its maximum. The Tribunal therefore determines an effective date of 1 October 2024.

14. The Tribunal therefore determines the new rent of **£1870.00 per month** to take effect on **1 October 2024**.

**Chairman: R Waterhouse FRICS**  
**14 November 2024**

**Date:**

### **APPEAL PROVISIONS**

**Appeal to the Upper Tribunal**

A person wishing to appeal this decision to the Upper Tribunal (Property Chamber) on a point of law must seek permission to do so by making a written application to the First-tier Tribunal at the Regional Office which has been dealing with the case which application must:

- a. be received by the said office within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
- b. 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.

If the application is not received within the 28-day time limit, it must include a request for an extension of time and the reason for it 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.