



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

Case Reference : **LON/OOAZ/MNR/2024/0123**

Property : **6B Sydenham Park, London SE26
4QE**

Tenant : **Deborah Thompson**

Landlord : **L & Q Housing Trust**

Date of Objection : **27 February 2024**

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

Tribunal Members : **Mr D Jagger MRICS**

**Date of Summary
Reasons** : **30 January 2025**

DECISION

**The Tribunal determines a rent of £240.50 per calendar week with
effect from 8th June 2024.**

SUMMARY REASONS

Background

1. On the 27th March 2024 the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £175.15 per week in place of the existing rent of £165.28 per week to take effect from 1 April 2024.

2. The Tenants application is dated the 27 February 2024, under Section 13(4)(a) of the Housing Act 1988 and an explanation for the chronology is provided below. The Tenant referred the Landlord's notice proposing a new rent to the Tribunal for determination of a market rent.

3 This case seems to have had a troubled route through the Tribunal. Directions were issued on 28 June 2024 with the intention of dealing with this case by paper submissions in the fourteen days from 26 August 2024. On review of the case and in a letter dated 22 August 2024 the parties were informed that the Tribunal was of the opinion that it may not have jurisdiction to determine the matter and stated:

- The case of *Mooney v Whitehead [2023] EWCA Civ 67* confirmed that the Tribunal does not have the jurisdiction to determine whether a Notice of Increase for all purposes is valid or not. However, the Tribunal is entitled to decide whether it is satisfied, on balance, that the legal and factual matrix forming the background to the application demonstrates that it has jurisdiction. In the current case it appears:
 - ***The landlord's notice proposing a new rent may be defective, as it appears to be intended to take effect in less than the minimum period applicable to the tenancy which appears to be a period of month. In practical terms, this means that the proposed new rent may not be payable from the date specified.***

Both parties were given the opportunity to submit written representations in relation to this matter by 5 September 2024.

There was a further letter from the Tribunal dated 28 October 2024 following a hearing at the Tribunal on 30 September 2024. That letter set out a summary of some of the history and the issues as follows:

“On the date of the hearing ,30th September 2024 a full review of the paperwork was undertaken and it was determined that the Tribunal did not have a copy of the tenancy agreement relating to the above property.

A letter requesting a copy of the tenancy agreement was issued on to each of the parties and we were advised by the tenant that they did not possess a copy of the tenancy agreement.

On 18th October 2024 a tenancy agreement was received from the Landlords L&Q. While this did relate to the tenant Ms Deborah Thompson it referred to 123 Laleham Road Catford SE6 and not the subject property. Thus at the date of writing the Tribunal is still waiting to receive a copy of the tenancy agreement detailing the tenancy to which this application to the Tribunal relates.

In addition the Tribunal has also received from the landlord, documentation purporting to be the landlords notice of increase under Section 13 Housing act 1988.

This bears no resemblance to the notice of increase that accompanied the application to the Tribunal which the Tribunal has noted is undated and appears to be signed by the tenant rather than the landlord.

The Tribunal is therefore currently being requested to consider an application by a Landlord for an increase in rent by way of Section 13 of the Housing Act 1988 without either a copy of the tenancy agreement or an agreed notice of increase.

Finally on 18th October 2024 Mr Rory Matheson of Devonshires wrote to the Tribunal to advise us that he had been appointed to act on behalf of the landlord and to make submissions on their behalf on the issue of jurisdiction despite the Tribunal directions clearly stating that such submissions were to be received by 19th September 2024.

In light of the conflicting and incorrect documentation received to date the Tribunal has decided to provide both parties one further opportunity to clarify the position on the notice, the tenancy agreement and the matter of jurisdiction originally highlighted in the Tribunals letter of 22nd August 2024.”

The parties were given until 25 November 2024 to submit any representations.

In a Tribunal decision dated 18 December 2025 Judge Bowers confirmed that the Tribunal do have jurisdiction to determine the application. That decision confirmed that before the Tribunal goes on to determine the rent, by 10 January 2025, both parties may submit to the Tribunal, with a copy to the other side, any further evidence in respect of rental values. The Tribunal will determine the rent in the fourteen days from 13 January 2025.

Evidence

4. The Tribunal has consideration of the written submissions provided by the landlord and tenant together with a schedule of comparable evidence submitted by the Landlord.

Determination and Valuation

5. Firstly, having consideration of the Landlord's comparable evidence together with our own expert, general knowledge of rental values in the Sydenham Park area, we consider that the open market rent for the property in its current condition would be **£485** per week (£2100 per month).

6. The Tribunal now needs to adjust this rent to allow for no carpets, curtains and white goods provided by the Landlord. Using its own expertise the Tribunal considers that a deduction of **£50** (approximately 10%) should be applied. This reduces the rental figure to **£435** per week.

Decision

7. The Tribunal therefore determines 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 is **£435** per calendar week.

8. The Tribunal directs the new rent of **£435 per week** to take effect on the 1 June 2024. This being the date set out in the Landlord's Notice of Increase.

9. It is often the case that market rents are in excess of those that maybe charged by social landlord's as it is a significant part of their remit to provide affordable housing. As such depending on the type of tenancy agreement their calculation of rent is either at a percentage of market rent or by way of index. Comparison is made with the open market rather than limited to other properties which are offered by social housing providers. **It is assumed that the landlord will by usual convention of social landlord's not seek to increase the rent proposed in its original notice as a result of this determination.**

Chairman: Duncan Jagger MRICS

Date: 30 January 2025

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.