



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

Case Reference : **LON/00AF/MNR/2024/0640**

Property : **72 Melbourne Court, Anerley Road,
London SE20 8AT**

Tenant : **Mr Francis Sam & Mrs Edith
Sam**

Landlord : **Interpole Ltd c/o J S Estates**

**Date of Tenants
Objection** : **28 August 2024**

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

Tribunal : **Mr D Jagger MRICS
Mr O Miller**

Date of Reasons : **24 January 2025**

DECISION

**The Tribunal determines a rent of £1,280 per calendar month with
effect from 1 September 2024.**

SUMMARY REASONS

Background

1. On the 1 August 2024 the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £1,450 per month in place of the existing rent of £1,250 per month to take effect from 1 September 2024. The Tribunal were provided with a copy of the revised tenancy agreement which commenced on the 1 March 2019 for a period of 12 months. The tenants have lived at the property since 2015.

2. Under Section 13(4)(a) of the Housing Act 1988, the Tenants referred the Landlord's notice proposing a new rent to the Tribunal for determination of a market rent. This Notice was undated and was received by the Tribunal on the 28 August 2024.

Inspection and Hearing

3. A hearing to hear the parties representations was held at 10 00am on the 24 January 2025. The Tenants both attended in person. The Landlord was not present.

4. Following the hearing, the Tribunal arrived at the property on the 24 January 2015 at around 13. 10 in the presence of the Tenants.

Evidence

5. Directions were prepared by the Tribunal on the 24 October 2024. The Landlord and the Tenant provided the Tribunal with completed Reply Forms and comprehensive submissions which included photographs and details of comparable evidence from the Landlord. The crucial question for the Tribunal to determine: is this a one or two bedroom flat? This matter has a significant impact on rental value. Originally, the property was a one bedroom flat and the inspection revealed that in subsequent years a studwork partition has been erected in the living room to form a second bedroom. The layout of the flat is now compromised. The living room and the second bedroom are rather small which restricts furniture and wardrobe space.

The Law

6. The rules governing a determination are set out in section 14 of the Housing Act 1988. In particular, the Tribunal is to determine the rent at which the property might reasonably be expected to be let in the open market by a willing landlord under an assured tenancy, subject to disregards in relation to the nature of the tenancy (i.e. it being granted to a "sitting tenant") and any

increase or reduction in the value due to the tenant's improvements or failure to comply with the terms of the tenancy. In the absence of any evidence to the contrary, the Tribunal has proceeded on the basis that the landlord is responsible for repairs to the structure, partial exterior and any installations pursuant to section 11 of the Landlord and Tenant Act 1985 and the tenant for interior decoration and rainwater fittings.

Determination and Valuation

7. Having consideration of the comparable evidence provided by the Landlord, and our own expert general knowledge of rental values in the Anerley area. The Tribunal has considered the comparable evidence of 5 properties provided by the Landlord which ranged between £1650-£1750. It is the opinion of the Tribunal each of these properties are larger and superior two bedroom flats. We consider that the open market rent for the property if it benefitted from a more conventional layout and were in good marketable condition with reasonably modern kitchen and bathroom, modern services, carpets and curtains and white goods supplied by the landlord would be **£1,600** per month.

7. From this level of rent we have made adjustments in relation to: the damp and mould to the flat and utility room, (former balcony) cracking to the wall plaster in the kitchen and bathroom, blown seals to the double glazing units in utility room, evidence of rodent infestation, a black plastic bag taped to the kitchen ceiling which covers a large hole with crumbling plaster, general refurbishment and, importantly, the poor internal configuration which equates to approximately **20% (£320)**

Decision

8. 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 in its current condition was **£1,280** per calendar month.

9. The Tenants made an application to the Tribunal under s14(7). This provision allows the Tribunal to defer the date of increase to the date of determination if it appeared to the Tribunal that it would cause undue hardship to the tenant. The Tribunal has considered this request and on the balance of the evidence provided and the decision the Tribunal concludes that there is insufficient substantiation to show such undue hardship.

10. The Tribunal directs the new rent of £1,280 per month to take effect on the 1 September 2024. This, being the date set out in the Landlord's Notice of Increase.

ANNEX - 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 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 Regional Office which has been dealing with the case. The application should be made on Form RP PTA available at <https://www.gov.uk/government/publications/form-rp-pta-application-for-permission-to-appeal-a-decision-to-the-upper-tribunal-lands-chamber>

The application for permission to appeal must arrive at the Regional Office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.

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. Please note that if you are seeking permission to appeal against a decision made by the Tribunal under the Rent Act 1977, the Housing Act 1988 or the Local Government and Housing Act 1989, this can only be on a point of law.