



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

Case Reference : **LON/00BJ/MNR/2024/0696**

Property : **Flat 15 Belgrave Court, Ascalon Street,
London SW8 4DJ**

Tenant : **Ms Beata Szukala Doroz**

Landlord : **Nick Donnelly**

**Date of Tenants
Objection** : **3 November 2024**

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

Tribunal : **Mr D Jagger MRICS
Mr J Francis**

Date of Reasons : **28 January 2025**

DECISION

The Tribunal determines a rent of £1,325 per calendar month with effect from 22 November 2024.

REASONS

Background

1. On the 18 September 2024 the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £1,500 per month in place of the existing rent of £1,061 per month to take effect from 22 November 2024. The Tribunal were provided with a copy of the tenancy agreement which commenced on the 22 July 2017 for a period of 12 months.

2. 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. This Notice was dated 3 November 2024.

Inspection

3. An inspection of the property was undertaken by the Tribunal on the 28 January 2025. The Tribunal arrived at the property at around 10.30 in the presence of the tenant.

Evidence

4. Directions were prepared by the Tribunal on the 6 December 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 property has been the subject of Local Authority intervention in the form of a Preliminary Improvement Notice dated 4 April 2024 and a Hazard Awareness Notice dated 4 November 2024.

5. The property is a purpose built first floor flat forming part of a three storey block assumed to have been built around 1990. The property has an allocated parking space and the accommodation comprises: one bedroom, living room, kitchen, bathroom/WC and small balcony. Heating is provided by dated electric storage heaters and the windows are double glazed. The Landlord provided floor coverings, curtains and white goods at the commencement of the tenancy.

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 which provides “snapshot” details of 2 flats to rent in the same block at £1,500 per month, and our own expert general knowledge of rental values in the Battersea area. The Tribunal considers that the open market rent for the property if it 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 **£1,500** per month.

8. From this level of rent we have made adjustments in relation to: the damp and mould to the walls caused by a previous water leak, dated kitchen and sanitary fittings and dated electric storage heaters which equates to approximately **13% (£175.00)** It should be noted that this figure cannot be a simple arithmetical calculation and is not based upon capital costs but is the Tribunal’s estimate of the amount by which the rent would need to be reduced to attract a tenant.

Decision

9. 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 **£1,325** per calendar month.

10. The Tribunal directs the new rent of £1,325.00 per month to take effect on the 22 November 2024. This, being the date set out in the Landlord’s Notice of Increase.

Chairman: Duncan Jagger MRICS

Date: 28 January 2025

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.