



FIRST - TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case reference	:	LON/00AH/MNR/2024/0502
Property	:	117 Bynes Road, South Croydon, Surrey, CR2 0PZ
Landlord	:	Bankway Properties Ltd
Tenant	:	Mr A Denholm
Type of application	:	Market rent determination in accordance with section 14 of the Housing Act 1988
Tribunal members	:	Judge S Brilliant Ms S Redmond MRICS
Date of decision	:	15 January 2025
<u>Decision corrected in red under rule 50</u>	:	<u>07 February 2025</u>

Decision of the Tribunal

The FTT determines the rent to be £990.00 per calendar month, with effect from 21 August 2024.

Background

1. On 27 July 2024 the Tenant applied to the First-tier Tribunal (“**FTT**”) referring a notice proposing a new rent under his assured periodic tenancy of the Property.
2. The notice, which was served under section 13(2) of the Housing Act 1988 (“**the Act**”) and was dated 26 June 2024, proposed a rent of £1,000.00 per calendar month with effect from 21 August 2024.
3. **Both parties sent written representations to the FTT regarding the application**, and neither party requested an oral hearing.
4. The tenancy commenced on 28 September 2005. The Tenant remains in occupation as a statutory periodic tenant. The current rent payable is £940.00 per calendar month.

Inspection

5. Neither party having requested an inspection, the FTT did not inspect the Property.

The Law

6. In accordance with the terms of section 14 of the Act, the FTT is required to determine the rent at which it considers the Property might reasonably be expected to let in the open market by a willing landlord under an assured tenancy on the same terms as the actual tenancy ignoring any increase in value attributable to tenant's improvements and any decrease in value due to the tenant's failure to comply with any terms of the tenancy. The FTT is also required to take into account (a) the condition of the Property, save to the extent that any disrepair is due to the Tenant's failure to comply with any terms of the tenancy and (b) the terms of the tenancy.

Valuation

7. The starting point is to determine the rent which the Landlord could reasonably be expected to obtain for the Property in the open market in the condition considered usual for a modern letting ("**the initial valuation**").

8. There was no specific comparable rental evidence from the Tenant. The Landlord's agent commented that the rent applied for was below market level, but provided no comparable evidence. When calculating the initial valuation, the FTT decided to rely upon its own knowledge and experience.

9. A property with similar size and location with small bedrooms, no off street parking but refurbished and in good tenantable condition would have a market rent of £1,650.00 per calendar month.

10. We deduct 40% to allow for the difference in the tenancy, including the provision of carpets, curtains and white goods, a dated kitchen, a replacement bathroom without adequate heating (provided by the Tenant), and [the tenant's improvements and disrepair reported by the Tenant](#) [and the Tenant's decoration obligations](#).

11. The Landlord's agent indicated in their late submissions that they had carried out removal of asbestos from the bathroom and had replaced the bathroom accordingly. The Tenant stated that the new bathroom still had defects and remained inadequately heated, and that he bought a bathroom heater. Also, there was disrepair to the kitchen installed approx 40 years ago.

11. This results in a market rent of £990.00, determined by the FTT for the purposes of section 14 of the Act. The rent is to take effect from 21 August 2024, being the date that the new rent was to take effect pursuant to the Landlord's notice.

Chairman: *Simon Brilliant*

Date: 15 January 2025

[07 February 2025](#)

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.**

If the First-tier Tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).