



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

Case Reference : **LON/00AE/MNR/2024/0684**

Property : **Flat 4 Williamson Heights, 5 South Way, Wembley, London HA9 0JY**

Tenant : **Mr Mohsin Hussain & Mrs Sidra Jamil**

Landlord : **Peabody Trust**

Date of Objection : **11 December 2024**

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

Tribunal : **Mr D Jagger MRICS**

Date of Extended Reasons : **17 February 2025**

DECISION

The Tribunal determines a rent of £1,950 per calendar month with effect from 1 November 2024.

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SUMMARY REASONS

REASONS

Background

1. On the 13 February 2025, the Tribunal received a request from the Tenant for extended reasons following a decision on the 11 February 2025.
2. On the 25 June 2024 the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £1,711 per month in place of the existing rent of £1,564 per month to take effect from 1 November 2024. The Tribunal were provided with a copy of the Tenants Fact Sheet dated 4 May 2021. A tenancy agreement was not submitted.
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 Application was dated 11 December 2024. This date was inserted on the application following communications from the Tribunal and it is to be assumed that the original undated application was received by the Tribunal before the 1 November 2024, being the proposed date of increase by the Landlord.

Inspection and Hearing

3. The Tribunal did not inspect the property but considered this case on the basis of the papers in accordance with the Tenant's wishes.

Evidence

4. Directions for the case were prepared by the Tribunal on the 19 December 2024. The Tenant's provided the Tribunal with completed Reply Form. The Landlord did not engage with the process and neither party submitted comparable evidence for the letting of flats in the area.
5. The property is a purpose built first floor flat forming part of a multi storey block located in Wembley Park. The accommodation comprises: two bedrooms, living room/kitchen and bathroom/WC and en-suite shower room. In the reply form the Tenant's state there is no central heating. However, the EPC Rating for the property is B86 which is above average and confirms that there is a community heating and hot water system. The Tenant's state that they provided floor coverings and curtains and white goods were provided by the Landlord 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 Tribunal’s expert general knowledge of rental values in the Wembley Park 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 fittings, modern services, carpets and curtains and white goods supplied by the landlord would be **£2,100** per month.

8. From this level of rent we have made adjustments in relation to: no carpets and curtains which equates to approximately **£150** per month 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 **£1,950** per calendar month.

10. Therefore, the Tribunal directs the new rent of £1,950 per month to take effect on the 1 November 2025. This, being the date of the Landlord’s Notice.

11 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: 17 February 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.