



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

<b>Case Reference</b>	:	<b>LON/00AG/MNR/2024/0697</b>
<b>Property</b>	:	<b>Flat 3, 78 Canfield Gardens, Camden London NW6 3EE</b>
<b>Applicant</b>	:	<b>Wendy Moses (Tenant)</b>
<b>Representative</b>	:	<b>None</b>
<b>Respondent</b>	:	<b>Mountview Estates (Landlord)</b>
<b>Representative</b>	:	<b>None</b>
<b>Type of Application</b>	:	<b>Section 13(4) Housing Act 1988</b>
<b>Tribunal Members</b>	:	<b>N Martindale FRICS</b>
<b>Date and venue of Hearing</b>	:	<b>10 Alfred Place London WC1E 7LR</b>
<b>Date of Decision</b>	:	<b>28 January 2025</b>

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**REASONS FOR DECISION**

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**Background**

- 1 The First Tier Tribunal received an application dated 14 October 2024 from the tenant of the Property, regarding a notice of increase of rent served by the landlord, under S.13 of the Housing Act 1988 (the Act).
- 2 The notice, dated 4 October 2024, proposed a new rent of £2050 per calendar month, with effect from and including 1 December 2024. The passing rent was said to be £1811.31 per calendar month.

- 3 The tenancy is an assured periodic monthly tenancy. A copy of the last tenancy agreement was not provided. The tenancy was acquired by the tenant by succession.
- 4 Directions were issued 5 December 2024. Neither party requested a hearing. The Tribunal does not routinely carry out inspections.
- 5 The Tribunal received an initial application. The Tribunal sent out its standard Reply Form to both landlord and tenant.
- 6 The Tribunal carefully considered and noted such representations as it received from both parties regarding the location layout size and condition of the Property and other available and let comparable properties in the location.

### **Property**

- 7 The Property is a converted self contained flat created from an original large Edwardian semi-detached house in an established residential area of South Hampstead, LB Camden. Accommodation appears to be on up to 5 levels, 3, plus any basement and roof. The Property is a second floor flat with 4 rooms, kitchen bathroom wc. The building has fair faced brick external walls and tiled slated double hipped main roof over. There is no double glazing. There is full central heating.
- 8 The flat was let without curtains, carpets or other floor finishes or white goods. The Property was assumed to have a functional but basic kitchen and one bathroom. The flat has a number of minor items of disrepair to wall finishes, from damp and to window cords and cill.
- 9 The Tribunal had regard to Google Streetview in the road. (data capture June 2022). The tenant helpfully provided some 6No. photographs of the defects within the Property and details of a 3 room converted self contained flat nearby available around £2000 pcm. The landlord referred the Tribunal to details of similar flats with 4 rooms, some with 2 bathrooms ranging to let from £2847 pcm to £4745 pcm. There was quite a wide range in rents sought.

### **Law**

- 10 In accordance with the terms of S14 of the Housing Act 1988 we are required to determine the rent at which we consider 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. Thus the Property falls to be valued as it stands; but assuming that the Property to be in a reasonable internal decorative condition.

## Decision

- 11 Based on the Tribunal's own general knowledge of market rent levels in South Hampstead, LB Camden it determines that the subject Property would let on a normal Assured Shorthold Tenancy (AST) terms, for £3,000 per calendar month, fully fitted and in good order. However the Tribunal makes a substantial deduction of £950 pcm for the lack of provision by the landlord of curtains, carpets, white goods, double glazing, a second bathroom, with functional but basic kitchen and bathroom provision and a small amount of disrepair. The market rent is therefore determined at £2,050 pcm.
- 12 The new rent will take effect from and including 1 December 2024, the effective start date given in the landlord's Notice. **The Landlord is not obliged but, may charge a rent up to but, not in excess of, the figure shown at box 1 on the FORM, being £2050 pcm.**

**Name: N. Martindale FRICS Date: 28 January 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 either party is dissatisfied with this decision, they may apply for permission to appeal to the Upper Tribunal (Lands Chamber) on any point of law arising from this Decision.

Prior to making such an appeal, an application must be made, in writing, to this Tribunal for permission to appeal. Any such application must be made within 28 days of the issue of this decision to the person making the application (regulation 52 (2) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rule 2013).

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.

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