



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

**Case Reference** : **LON/00AG/MNR/2024/0639**

**Property** : **10D Cleveland Street, London W1T  
4HY**

**Tenant** : **Miss E Morta & Miss J Morta**

**Landlord** : **Pendragon Properties Limited**

**Date of Tenants  
Objection** : **26 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 Decision  
and Reasons** : **14 February 2025**

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**DECISION**

**The Tribunal determines a rent of £1,800 per calendar month with  
effect from 1 September 2024.**

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## **REASONS**

### **Background**

1. On the 29 July 2024 the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £2,000 per month in place of the existing rent of £1,200 per month to take effect from 1 September 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 Application was dated 26 August 2024.

### **Inspection and Hearing**

3. A hearing took place at 10.00am attended by both sisters, Miss E Morta and Miss J Morta. The Tenants were provided the opportunity to put forward their case and this was followed by an inspection of the property. The Tribunal arrived at the flat at around 10.45 in the presence of the tenants.

### **Evidence**

4. Directions for the case were prepared by the Tribunal on the 5 December 2024. The Landlord and the Tenant provided the Tribunal with completed Reply Forms, together with witness statement from Mr Phillip Mizon together with comprehensive submissions which included photographs a helpful floor plan and details of comparable evidence of similar flats in the area.

5. The property is a purpose built second floor flat forming part of a five storey block with brick elevations. The Landlord confirms the common parts were refurbished in 2013. There is a communal roof terrace. The accommodation comprises: one bedroom, living room/kitchen and bathroom/WC. There is gas central heating, and the windows are single glazed. The Tenant provided floor coverings, curtains and white goods at the commencement of the tenancy. The building was previously in the ownership of the NHS and is located in prime central London close to all amenities.

### **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 extensive schedule of comparable evidence provided by the Landlord and our own expert general knowledge of rental values in the Fitzrovia 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: the slightly dated kitchen and sanitary fittings, single glazed windows, no lift and no carpets, curtains or white goods which equates to approximately **14% (£300)**. 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 **£1,800** per calendar month.

10. During the hearing when questioned by the Tribunal, 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 Tenant's confirmed that they both live on a pension together with limited savings and that an increase in rent would cause significant hardship to both. The Tribunal has considered this request and on the balance of the evidence provided and the decision of the Tribunal concludes that there is sufficient substantiation to show such undue hardship.

11. Therefore, the Tribunal directs the new rent of £1,800 per month to take effect on the 14 February 2025. This, being the date of the Tribunal's decision.

**Chairman: Duncan Jagger MRICS**

**Date: 14 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.