



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

Case Reference : **FR/LON/00AZ/MNR/2025/0601**

Hearing Type : **No hearing**

Property : **Flat 2 Falconwood Court, Montpelier Row,
Blackheath, London, SE3 0RS**

Applicant : **Nicholas Payne (Tenant)**

Representative : **In person**

Respondent : **E J & D Azouz (Landlord)
Wellington Development Limited**

Representative : **In person**

Date of Objection : **5 November 2024**

Type of Application : **Referral in Respect of Market Rent Under Section
13 of the Housing Act 1988**

Tribunal Members : **J. A. Naylor FRICS FIRPM
Valuer Chairman**

Mr Owen Miller

Date of Hearing : **No hearing**

Date of Inspection : **31 March 2025**

Date of Full Reasons : **7 April 2025**

**STATEMENT OF FULL REASONS ON AN APPLICATION FOR
DETERMINATION OF A MARKET RENT UNDER S. 13 AND 14 OF THE
HOUSING ACT 1988.**

REASONS

Background

1. On 31 October 2024, the landlord served a Notice under Section 13(2) of the Housing Act 1988 proposing an increase in the rent of the above property from the passing rent of £1,025.00 per month to £1,250.00 per month.
2. On 5 November 2024, the tenant made an application to the Tribunal for the determination of a market rent.
3. The original tenancy was believed to have begun 1 January 1998.
4. By way of a letter dated 22 January 2025, the Tribunal issued directions. These required the landlord to provide details of evidence on which they wished to rely by way of reply by 12 February 2025. The tenant was directed to do the same by 26 February 2025 and the landlord was given until 5 March 2025 for his response thereto.
5. On 26 February 2025 the Tribunal wrote to the parties confirming details for a hearing date and inspection to take place on 31st March 2025
6. Both parties took the opportunity to make submissions.
7. In consideration of the Market rental value of the subject property, the Tribunal has taken into consideration all documentation before it, including various letters and the any reply forms returned by the parties.
8. By way of their application, the tenant stated that they had improved the property by supplying light fittings, replacing cooker equipment, providing a worktop extension and supplying a washing machine and freezer.
9. In the tenant's Reply form the tenant states that they would like a hearing and an inspection of the property. They provided details of the accommodation and stated that the carpet is the original carpet lain in 1968 and they have replaced curtains and blinds. They advised that the property was last decorated in 1997 and confirmed comments made in their application that they have provided white goods. They mention that radiator elements of the central heating are the original from 1968 and that there is broken glass and inter pane condensation to some of the double glazed units.

10. In the landlord's Reply form the landlord states that they are happy for the matter to be dealt with on papers and that they do not require either a hearing or an inspection. They say that the accommodation comprises a bed sitting room, kitchen and bathroom/WC, that central heating is provided by the landlord but advised that there is no double glazing, no carpets, no white goods, no garage or parking space but that the tenant does have access to communal gardens.
11. On 31 March 2025, on the basis of paper submissions and without a hearing, the Tribunal determined the Market rent of the above property at £1,183.00 per calendar month.

Hearing

12. A hearing had been arranged for the Tribunal to take place at 10 Alfred Place on the morning of 31 March 2025 at 9.30am.
13. Parties were informed by written correspondence by way of a letter dated 26th February 2025
14. On the morning of the hearing neither party took the opportunity to attend the hearing and as a result no hearing took place.

Hardship

15. No submissions relating to hardship were received by the Tribunal.

Inspection

16. The Tribunal attended the property to undertake an inspection on 31 March 2025.
17. It was apparent that the property was originally constructed as a purpose built, self-contained, ground floor flat.
18. The accommodation comprises:

Bedsitting room area, kitchen and bathroom/WC with

communal gardens to the rear.
19. During the inspection, the tenant was present.

20. Neither the landlord nor any representative on his behalf were present.
21. On arrival the Tribunal notified the parties that they should be provided with access to all possible areas of the property but that she could not provide any additional evidence nor engage in conversation about the property nor the rental value thereof.
22. All rooms were accessible.
23. In the bedsitting room area access was severely limited by the number of items stored therein.
24. During the course of the inspection, the Tribunal were able to determine that the external fabric and common parts of the block had been modernised and improved, however, this was not true of the flat itself.
25. Internally, the flat was found to be in very poor condition. It requires extensive redecoration throughout, modernisation of kitchen and bathroom areas, the electrical installation is antiquated and not fit for modern purpose, the carpet was worn through and exceptionally dirty where it was lain and as detailed by the tenant, there was inter pane condensation to the antiquated double glazing and one of the internal double glazed panes on a fanlight had broken.

The property did benefit from central heating but as detailed by the landlord, radiators were old and rusted.

The Law

26. When determining a market rent in accordance with the Housing Act 1988 Section 13 regard must be had to all of the circumstances (other than personal circumstances) including the age, location and state of repair of the property, matters contained within the rent, repairing obligations, etc. This means that issues such as the tenant's ability to pay the rent or bills associated with the property are not a consideration for the tribunal in assessing the rent.

Valuation

27. Following consideration of the written and photographic submissions given by both parties and taking into account the Tribunal's inspection and using its own knowledge and experience of the rental market in the Blackheath area, the Tribunal finds that the market rental value of the property, if it was in good condition, would be £1,183.00 per month.

28. Taking into account the lack of modernisation and the general disrepair, the Tribunal considers it necessary to adjust that market rental value to reflect specifically the following:

- i) The central heating radiators are antiquated.
- ii) The double glazing installation is no longer fit for purpose.
- iii) There is inadequate electrical installation by modern standards.
- iv) The kitchen is inadequate by modern standards.
- v) The bathroom is inadequate by modern standards.
- vi) The property requires a full redecoration internally.

29. Taking these and other more general factors into consideration, the Tribunal finds that it is necessary to make a 15½% deduction in the market rental value of the property to reflect its condition and lack of modernisation.

Valuation Calculation

30. Open market rent	£1,400.00 per month
Deduction for adjustments detailed above 15½ % =	£ 217.00 per month
Adjusted rent	£1,183.00 per month

The Tribunal, therefore, determines that the market rental value of the property should be set at a figure of **£1,183.00 per month.**

Hardship

31. No submissions on hardship have been received by the Tribunal.

Chairman: J. A. Naylor FRICS FIRPM

Valuer Chairman

Date: 7 April 2025

ANNEX OF RIGHTS FOR MARKET RENTS

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 might 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 this case.

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. Any appeal in respect of the Housing Act 1988 should be on a point of law.

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