



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

Case Reference : **GB/LON/OOAK/MNR/2024/0624**

Hearing Type : **Face to Face**

Property : **36 Slades Gardens, Enfield, EN2 7DR**

Applicant : **Lara Agustina Grasso (Tenant)**

Representative : **In person**

Respondent : **Loy Delapenha (Landlord)**

Date of Objection : **14 August 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 L Packer

Date of Hearing : **18 February 2025**

Date of Inspection : **No inspection**

Date of Full Reasons : **3 March 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 22 July 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 £850 per month to £1,600 per month.
2. On 14 August 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 2023.
4. The tenant occupies the property by way of an Assured Periodic Tenancy.
5. By way of a letter dated 15 November 2024, the Tribunal issued directions. These required the landlord to provide details of evidence on which they wished to rely by way of reply by 6 December 2024. The tenant was directed to do the same by 20 December 2024 and the landlord was given until 27 December 2024 for his response thereto.
6. The Tribunal wrote to the parties confirming details for a hearing date to take place on 18 February 2025.
7. Both parties took the opportunity to make submissions.
8. 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.
9. By way of a Tenant's statement, the tenant states there are a number of issues relating to the property.
 - 1) They have no control over the central heating with the controls therefore being outside of their flat in common areas that they have no access to. As a result, they say that they have had no heating for some considerable time.
 - 2) In addition, the tenant states that there is damp, mould and fungus and that there is a mice infestation.

- 3) Various photographs provided by the tenants show evidence of the mould, a dead rodent and cracked floor tiles. The tenant also includes a notice from Enfield Council confirming that there are category 1 and 2 hazards including cold and pest infestation.
 - 4) In the tenant's reply, the tenant says that he does not require a hearing nor an inspection. The assertion that there is mice and rat infestation is repeated and there is also mention that the rear door is not well fitted and that the only access is from the rear.
 - 5) The tenant does confirm however that the property has heating from a central source (subject to operation) , double glazing and that carpets and white goods were provided by the landlord. There is also confirmation that there is off-street parking.
10. By way of the landlord's statement, the landlord advises that they seek a rent of £1,336 per month plus £264 in bills making up the £1,600 figure detailed in the rental notice.
 11. They say that they believe that rents in the area are between £1,200 - £1,400 for a property such as this excluding bills and utility costs.
 12. The landlord provides a number of comparable properties :one bedroom flats that range in rental value between £1,250 and £1,550 per calendar month. and two comparables of studio flats provided, one at £1,200 and one at £1,350.
 13. In the landlord's reply, the landlord confirms that they do not require an inspection of the property but would like a hearing, they provide details of the accommodation of the whole house and say that the whole house is centrally heated, double glazed, carpeted and that white goods were provided at the commencement of this tenancy. There is also confirmation that the property benefits from a garage and parking space. The landlord confirms that the subject property comprises an annex to the side of the main building that is self-contained from the main house but services are supplied from one meter serving the building as a whole and a heating installation that serves the building as a whole .
 14. The landlord states that the main house has been vacant and thus the full cost of bills are attributable to the tenant over the period.

Hearing

15. The hearing took place at 10 Alfred Place on 18 February 2025.

16. Present at the hearing were Lara Grasso, the applicant tenant, Loy Delapenha, landlord and her daughter and representative, Nadia Orgill.
17. Ms Grasso's applicant was given the opportunity to speak first.
18. She confirmed that the property was a small unit arranged as a studio flat with bed sitting room, kitchen and bathroom, self-contained (with the exception of services) from and accessed separately from the main house to which it forms an annex.
19. The tenant confirmed aspects of her written submissions confirming that there were a number of areas where rats and pests could access the property.
20. She confirmed that there had been a period of time where there was no heating as this was turned off, but that this had been rectified and that heating to the property was now available.
21. The tenant confirmed that she had no control over this heating thermostat but could turn the heating on and off from the boiler .
22. Under questioning from the Tribunal, the tenant said that in her opinion the range of rental values for the property were between £900 per calendar month and £1,000 per calendar month and referred to the evidence that she has sent to the Tribunal.
23. In conclusion, the tenant stated that it was her view that the subject property was worth £950 per month in good condition, but that in the current condition it was nearer £900 per month.
24. Ms Orgill on behalf of the landlord then gave evidence. She stated that there was no rodent infestation but rather that any sitings comprised just the odd field mouse from the open areas surrounding . Ms Orgill confirmed that she had lived at the property and never had a problem.
25. When questioned on the issue of the utility bills which are included in the rent, the landlord says that the tenant has historically paid approximately one quarter of the heating and utility bills supplying the main house and annex but that recently the main house has remained unoccupied with radiators turned off and electricity unused . As a result they were able to assess usage for the annex alone as all bills would have related to its usage.

- 26.They quantified this at £264 per month but provided no evidence therefor.
- 27.Under questioning from the Tribunal, the landlord referred the Tribunal to the evidence that they have provided in written submissions and stated that they believed that the property without utility bills was worth between £1,250 and £1,350.
- 28.On 18 February 2025, on the basis of paper submissions and with a hearing but without an inspection, the Tribunal determined the market rent of the above property at £1,100.00 per month.

Hardship

- 29.No submissions were given by the tenant in respect of hardship.

The Law

30. 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 tenants ability to pay the rent or bills associated with the property are not a consideration for the Tribunal in assessing the rent.

Valuation

31. Following consideration of the written and photographic submissions given by both parties, the evidence given at the hearing and using its own knowledge and experience of the rental market in Enfield, the Tribunal finds that the market rental value of the property, if it was in good condition, would be £1,200 per month.
32. Having heard the evidence of the parties and considered the documentation and submissions made, the Tribunal is satisfied that there may be issues with heating and the regular supply thereof.
33. In addition, there is evidence that some rodent infestation may exist.
34. Photographs provided by the tenant do show cracked tiles and evidence of minor mould infestation.

35. Taking these factors into consideration, the Tribunal considers it necessary to adjust that market rental value to reflect specifically the following:

- i) Lack of control and potential irregularity of heating supply.
- ii) Evidence of mould within the property.
- iii) Evidence of rodent infestation.

36. Taking these and other more general factors into consideration, the Tribunal finds that it is necessary to make a £100 deduction in the market rental value of the property to reflect its condition and lack of modernisation.

Valuation calculation

37.	Open market rent	£1,200
per month		
Deduction for adjustments detailed above	£100 per month	
Adjusted rent	£1,100 per month	

The Tribunal therefore determines that the market rental value of the property should be set at a figure of £1,100 per month.

Chairman: J. A. Naylor FRICS FIRPM

Valuer Chairman

Date: 3 March 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).