

FIRST - TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference	**:**	**LON/00AJ/MNR/2025/1031**
Property	**:**	**13 Milton Road, Acton, London, W3 6QA**
Tenant	**:**	**Tracy Elner and Irina Kupcha, Tracy Elner acting.**
Landlord	**:**	**AM Investments**
Date of Objection	**:**	**9 October 2025**
Type of Application	**:**	**Determination of a Market Rent sections 13 & 14 of the Housing Act 1988**
Tribunal	**:**	**R Waterhouse FRICS** **C Piarroux JP**
Date of Full Reasons	**:**	**13 March 2026**

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DECISION

The Tribunal determines a rent of £1550.00 per month to be paid from 4 December 2025 under the Housing Act 1988 section 13.

Full Reasons

Background

1. A Notice dated 29 September 2025 was served by the Landlord under Section 13(2) of the Housing Act 1988 which proposed a new rent of £1550.00 per month in place of the existing rent of £1470.00 per month to take effect from 4 December 2025.

2. An application dated 9 October 2025 was made 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.

3. The application was accompanied by the Notice of Increase of Rent and, confirmation by email 26 November 2025 by the tenant that no written tenancy agreement exists.

4. Directions were issued to the parties on 20 January 2026 requiring the Tenant to submit their reply form and further comments by 24 February 2026.

5. The application form notes that the tenancy commenced in October 1991 and that the rent excludes council tax and water charges. The property comprising a terrace house of one living room, a kitchen, bathroom, and two bedrooms one said to be of medium size and one a "box" room. Additionally, there is a small garden. The furniture being the tenants and that they are responsible for internal decoration.

6.The Tribunal has read the submissions and correspondence and has limited the consideration and decision with matters pertinent to the determination under the Housing Act 1988.

7. Neither party requested a hearing and the tribunal considered on the facts available that a hearing would be to be disproportionate. The tenant however requested an inspection this was carried out on 13 March 2026 prior to the determination.

Inspection

8. The Tribunal did inspect the property in the morning and made the determination on the papers in the afternoon, with the benefit of the inspection. The tribunal found the property to be in an attractive residential street. Through the front door leads to a living room which historically had been two living rooms that the dividing wall has been removed. Beyond the living room, is a kitchen with dated boiler and dated kitchen units which are in disrepair. The tenant has supplied the fridge/freezer, washing machine and tumble drier. The kitchen ceiling has evidence of a historic water leak from the flat roof above. From the kitchen the garden can be accessed, the garden is proportionate in size for the size of the house. The property has double glazing, central heating and polished floorboards and carpeting in places. The first floor has two bedrooms, and a bathroom. The bathroom is functional but dated. At various points there is evidence of what appear to be water ingress which may be historic.

9. Present at the inspection was the tenant, the respondent landlord was not present.

The Determination

Submissions

Applicant Tenant

10. The applicant tenant provided several documents to the tribunal including the Notice of Increase, a Reply Form, a letter dated 7 February 2026.

11. The Reply Form noted that the landlord supplied the central heating, that the carpets were supplied by the landlord and the curtains the tenant. With the white goods that the landlord provided the cooker, but the remaining items were the tenants. The property has off-street car parking.

12. Included with the Reply Form is a written statement by Mrs Adele Faller the landlord of 11 Milton Road, the property next door. She asserts that after some recent unspecified improvements, the property has commanded a rent of £1450 per month.

13. The letter of the 7 February 2026 addressed to the tribunal, the last rent of £1470.00pcm was determined under LON/OOAJ/MNR/2024/0616). The tenant asserts that as there have been no material improvements there should be no increase. Further that the comparables the landlord has provided are from the internet and lack details of condition and whether the figures were realised.

14. The tenant submits the subject property is unmodernised and so can be distinguished from the comparables.

15. The tenant asserts that given the condition of the property the rent should be determined as previously that is £1470 pcm.

16. There is no application for “undue hardship”.

Respondent Landlord

17. The respondent landlord submitted a completed Reply Form undated. The Reply Form notes the landlord does not request an inspection or a hearing.
The Reply Form detailed the landlords view that the double glazing and central heating were provided by them.

18. The landlords AM Investments in letter dated 26 January 2026 states the property is held under an assured tenancy by Mr Elner and that no further succession rights exist. The landlord has included a number of comparables of flats in the vicinity which are said to be either under offer, let or to let for prices ranging from £ 1850.00 to £2,400.00 per month.

Findings

General specification of the flat

19. The tribunal finds the property to be a centrally heated terrace house, with double glazing, and a dated kitchen and dated bathroom

Analysis and Value

20. The tribunal has considered all the submissions made to it prior to the determination of the 13 March 2026 and considered the facts obtained at the inspection.

21. The tribunal has considered that the determination of rent is for that of a hypothetical tenant in the market, not any specific tenant or landlord.

22. In coming to its determination, the tribunal has first considered what rent the property if in contemporary good condition would let for. Then the tribunal makes adjustments for this taking into account the actual condition of the property.

23. The tribunal has considered the various evidence in respect of the level of rental value and determines in a good contemporary condition the property would attract a rent of £2000.00 pcm.

24. From this the tribunal makes the following deductions

- Responsibility for internal decoration with the tenant
- Supply of white goods by the tenant excluding the cooker and hob
- General condition of the property

25. For the above a deduction 22.5% which gives a net rent for the property of £1550.00 pcm

Undue Hardship

26. There was no application made within the application for undue hardship in the application.

Decision

27. The Tribunal determines £1550.00 per month from 4 December 2025 in accordance with section 13 of the Housing Act 1988

Chairman: **R Waterhouse FRICS**

Date: **13 March 2026**

Appeal to the Upper Tribunal

A person wishing to appeal this decision to the Upper Tribunal (Property Chamber) on a point of law must seek permission to do so by making a written application to the First-tier Tribunal at the Regional Office which has been dealing with the case which application must:

a. be received by the said office within 28 days after the Tribunal sends to the person making the application written reasons for the decision.

b. identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.

If the application is not received within the 28-day time limit, it must include a request for an extension of time and the reason for it not complying with the 28- day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.