



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

Case Reference : **LON/OOAY/MNR/2025/0721**

Hearing Type : **Face to face**

Property : **Flat 113 Pulman Court, Streatham Hill, London, SW2 4SU**

Applicant : **Mr K Maguire (Tenant)**

Representative : **In person**

Respondent : **Susan Wyart (Landlord)**

Representative : **Mr Paul Wyart**

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

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

Miss M Bygrave MRICS Tribunal member

Date of Hearing : **1 December 2025**

Date of Inspection : **1 December 2025**

Date of Full Reasons : **15 December 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 11 January 2025 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 to £1,200 per month.
2. On 3 March 2025 the tenant made an application to the Tribunal for the determination of a market rent.
3. The original tenancy was believed to have begun 7 November 2015.
4. Following receipt of the application, a case officer of the Tribunal wrote to the parties on 22 May 2025 advising them that in their preliminary opinion of the legal officers the Tribunal may not have jurisdiction to consider the market rent of the property on the basis that *“the application was not received at the office before the date when the new rent specified in a notice of increase was to take effect”*.
5. A request to have a face-to-face hearing on the matter was received and as a result, the matter was heard at a hearing on 18 July 2025 by way of video. Prior to the hearing the applicant wrote to the Tribunal asking if his attendance at the hearing could be excused and asking the Tribunal to consider his case on the written submissions received.
6. The respondent, Susan Wyart, attended but only in the capacity of observer.
7. On the evidence before it, the Tribunal decided that it had no jurisdiction to consider a rental determination under Sections 13 and 14 of the Housing Act 1988.
8. An Appeal was then received from the tenant Applicant. The matter was reviewed by the original Tribunal panel.
9. The conclusion was that the Tribunal did, in fact, have jurisdiction to consider the rental determination under Sections 13 and 14 and that the application for the assessment of a market rent was to be relisted for a hearing at some future date.
10. This decision contained details of how an appeal thereon could be made to the Upper Tribunal such appeal was to be made with 28 days from the date that the decision is sent. No appeal was received within that time frame.

11. By way of a letter dated 19 September 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 10 October 2025. The tenant was directed to do the same by 24 October 2025, and the landlord was given until 31 October 2025 for his response thereto.
12. On 6 November 2025 the Tribunal wrote to the parties confirming details for a hearing date and inspection to take place on 1 December 2025.
13. Both parties took the opportunity to make submissions.
14. On 20 November 2025 the applicant wrote to the Tribunal and sought to withdraw their application on the basis that they may wish to object to the revised Decision and appeal to the County Court and are concerned that a rent determination may prejudice this.
15. Further by way of an email dated 28 November 2025 the applicant requested that the Tribunal consider jurisdiction once more as a preliminary issue at the forthcoming hearing.
16. The Landlord objected to the Applicants request to withdraw their application and in such circumstances the Tribunal will proceed to make a determination.

Jurisdiction

17. While complicated by the various arguments, appeals and applications, it would appear that the position before the Tribunal on 1 December 2025 was that the issue of jurisdiction had been considered on two separate occasions and a final Decision on that had been given in the Tribunal's Decision dated 29 August 2025 when it was concluded that the Tribunal did have Jurisdiction to consider the market rent application .
18. Following that, the Tribunal naturally proceeded to make a determination of the market rent. A new date was set for the matter to be heard (1 December 2025).
19. Rights to appeal that Decision are available to the parties and were detailed at the end of the decision. No appeal was received.

20. An application was made by the applicant to withdraw their application, but this was objected to by the landlord.
21. In the circumstances the Tribunal will continue with the application and make its assessment of open market rent.

Market rent determination

22. 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 Reply forms returned by the parties.
23. By way of submission, the tenant provided various recordings relating to his complaints of noise nuisance at the property. In addition, there was a considerable amount of photographic evidence.
24. In the tenant's Reply form the tenant stated that he wished to have both a hearing and an inspection and that he would attend the hearing. He provided basic details of the accommodation but with no measurements.
25. The tenant stated that the property does not have central heating nor double glazing and said that the property suffers from mould and mildew. The tenant made specific complaints about neighbour noise and lift noise, sewerage smells and an overall lack of privacy. He stated that the property is heated by old storage heaters and suffers from mice infestation depicted in some of the photographs.
26. In correspondence, the landlord states that he let the flat at a below market rental level to account for various issues. In email correspondence the landlord states when the tenancy began and that the rent was initially £850 per calendar month and is now only £899 per calendar month set on 7 May 2023.
27. The landlord states that when the property was let it had a double bed, bedroom furniture, lounge seating, cutlery, utensils, a bin and a fridge/freezer and state that they were not aware of any repairs that the tenant may have done but that the tenant refuses access for work or inspection. On 18 September 2025, Mr Wyart on behalf of the landlord stated that he felt that the tenant may have let the property deteriorate since taking occupation.
28. In the landlord's Reply form the landlord says that they do not require an inspection but would like a hearing. However, their position on this is reversed on 16 October 2025. The landlord confirms the accommodation and measurements,

says that the property is centrally heated, but is not double glazed, but that there are communal gardens, we are advised that the property was refurbished in 2010. Photographic evidence of its condition at that time are provided.

29. The landlord states that they are aware of issues of damp and condensation in the property and that they advised the tenant to ventilate. They have also indicated that they are aware of issues with the hot water supply.

The Hearing

30. On the morning of 1 December 2025, a face-to-face hearing took place at 10 Alfred Place, London.
31. Representing the landlord, Mr Paul Wyart, was present and attended in person. Mr Maguire attended the hearing by way of video link.
32. At the commencement of the hearing the Tribunal confirmed that Mr Maguire was in a room on his own and was not connected to the internet or using any devices.
33. Mr Maguire, the applicant, made it clear at the beginning of the hearing that he did not wish the hearing to proceed to the determination of a market rent.
34. His submission was that the issue of jurisdiction should be dealt with in the first instance and that if a determination was made that the Tribunal did not have jurisdiction, there was no need to proceed with the assessment of the open market rent.
35. The Tribunal advised that this matter had already been dealt with and determined and that the objective of the Tribunal hearing on this occasion was to determine open market rent by hearing evidence from the parties and undertaking an inspection of the property.
36. Mr Maguire then advised that despite requesting an inspection of the property, he would not now allow access to the Tribunal to inspect the property as arranged later that afternoon.
37. The Tribunal then advised that they had evidence in front of them and would hear further evidence from the parties and that it was their intention to assess the market rent. Further it was confirmed that if access for inspection was not to be granted, the Tribunal would nevertheless proceed to a determination of the open market rent. The parties were advised that this case had already taken up a

considerable amount of Tribunal time and further delays were unnecessary and disproportional.

38. The Tribunal confirmed that they would nevertheless comment on the position in their determination.
39. While further submissions were made by Mr Maguire, the applicant, on the issue of jurisdiction, this is not a matter with which this Tribunal is concerned and no further comment on that is made at this juncture.
40. On the issue of rent, the applicant advised that he did not agree with the £1,200 rent proposed by the landlord and it was for this reason that he had to take the matter to Tribunal. Mr Maguire then read his Reply form to the Tribunal reiterating many of the points previously made therein.
41. On issues such as the noise from neighbours, overlooking etc, Mr Maguire stated that he appreciated that the landlord was not responsible for these matters but that they did nevertheless impact on rent.
42. When asked specifically what he thought the rent of the property should be, he said that properties were available to rent within the block on the internet and that those in good condition were renting for approximately £1,050 per calendar month but that deductions for the issues to which he has brought the Tribunal's attention should reduce the rent to £850 per month stating that many of these problems had worsened, as had the condition of the property, since his tenancy began.
43. Giving evidence for the landlord, Mr Paul Wyart said that the landlord had struggled to get access to the property to undertake an inspection and that there have been no complaints of damp or mould recently. Mr Wyart then also referred to his Reply form and the case made therein, again, reiterating much of the evidence that the Tribunal has already received.
44. When asked specifically what he thought the rent would be, he said that his assessment from looking at properties on the internet was that a one-bedroom flat in the block lets for approximately £1,300 per month, rising to £1,550. When asked specifically about the subject property, Mr Wyart said that he has not seen the property in its current condition as he has not been allowed access for some time. He says that issues relating to lift noise and condensation affect all properties within the block but that the asking rent for the subject flat at £1,200 per calendar month was reasonable compared to the average in the block of around £1,400 per calendar month.

45. Both parties were given an opportunity to cross examine or ask further questions; Mr Maguire stated that he had never prevented access to the property and advised that he was happy to put up with the current issues of unreliable hot water supply in exchange for a lower rent.

Hardship

46. The Tribunal received no submissions from the tenant on the issue of hardship.

Inspection

47. The Tribunal attended the property to undertake an inspection at 2.00pm on 1 December 2025.

48. It was apparent that the property was originally constructed as part of a 1930s estate of flats similar in age, character and design. The exterior of the block appeared to be relatively well kept and maintained, as did the grounds and gardens and while elements are now dated, it is apparent that there is relatively good management of the block as a whole in place.

49. The accommodation comprises: lounge, bedroom, kitchen, bathroom/WC. The property is located on the second floor immediately adjacent to the lift and lift plant room.

50. During the inspection, the tenant was present.

51. Neither the landlord nor any representative on his behalf were present.

52. On arrival, the Tribunal notified the parties that they should be provided with access to all possible areas of the property but that they could not provide any additional evidence nor engage in conversation about the property nor the rental value thereof.

53. All rooms were accessible.

54. Overall, the property was found to be in a relatively good condition and well-kept by the tenant. There was no deterioration within the flat itself that the Tribunal could attribute to the tenant's neglect or misuse of the property particularly bearing in mind that the last refurbishment was completed in 2010, some 15 years ago.

55. When inspecting the property, the Tribunal was paying particular attention to comments received from the parties, including those relating to condition.
56. On the issue of central heating, the Tribunal found that there was no “central” heating as such, but the property was heated by night storage heaters. These were antiquated and limited in number.
57. The property is not double glazed, and it was noted that the windows are also fairly large Crittall framed windows, possibly original, and create significant cold spots immediately adjacent thereto. There was no evidence of mould or condensation at the date of inspection but shadowing on the ceilings and walls and staining and deterioration of window framework indicate that it is often present no doubt as a result of the construction and insulation issues affecting the property.
58. No noise was heard from neighbours, and we are not of the opinion that this would be any more significant than in many flats of this type. The presence of the lift plant room immediately adjoining the flat, however, does cause noise and this would not be experienced similarly in all flats within the block.
59. The bathroom window has deteriorated to the point that it requires renewal.
60. The size of the windows benefits the property by providing light but could also convey an element of vulnerability. That said, we do not consider that overlooking issues at this block are any more than they are in many urban locations.
61. The kitchen is in fairly good condition and provides a good range of drawer and cupboard space but ideally these could be modernised and upgraded. The condition of the bathroom is more antiquated with a basic white suite showing signs of wear and tear.
62. Overall, the Tribunal is of the opinion that while the flat is relatively presentable and provides many of the facilities that one might seek when renting a property, those serving the subject property are no longer up to modern standards and this would be reflected if the property were placed on the open market to rent. Cold damp and mould are also clearly a problem.

The Law

63. 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

64. Following consideration of the written and photographic submissions given by both parties, the evidence given at the hearing and taking into account the Tribunal's inspection and using its own knowledge and experience of the rental market in the Streatham area, the Tribunal finds that the market rental value of the property, if it was in good condition, would be £1400 per month.

65. 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 property is only heated by antiquated electric radiators.
- ii) The property is not double glazed.
- iii) The property suffers from mould and condensation issues.
- iv) The kitchen requires modernisation.
- v) The bathroom requires modernisation and upgrading.
- vi) The property suffers from noise from an adjoining lift plant room.
- vii) The property has an unreliable hot water supply.

66. Taking these and other more general factors into consideration, the Tribunal finds that it is necessary to make a 34% deduction in the market rental value of the property to reflect its condition and lack of modernisation.

Valuation Calculation

67. Open market rent £1,400.00 per month

Deduction for adjustments detailed above 34% = £ 476.00 per month

Adjusted rent £ 924.00 per month

The Tribunal therefore determines that the market rental value of the property should be set at a figure of £ 924.00 per month.

Chairman: J. A. Naylor FRICS FTPI Valuer Chairman

Date: 15 December 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).