

	FIRST - TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL PROPERTY)
Case Reference	LON/00AY/MNR/2025/0908
Property	Flat 61 Dorchester Court, Herne Hill, London SE24 9QY
Tenants	Brendan O'Duffy Aine O'Duffy Petra Backovska
Landlord	Manaquel Co Ltd
Landlord's Address	Property Partners Management Ltd, 126 Cornwall Road, London SE1 8TQ
Landlord's Representative	Fastgrand Ltd
Date of Application	16th July 2025
Type of Application	Determination of a Market Rent sections 13 & 14 of the Housing Act 1988
Tribunal	Judge Nicol Ms S Beckwith Ms S Allen
Date of Decision	5th May 2026
Rent Determined	£2,000 pcm
Date the new rent takes effect	21st July 2025

REASONS FOR THE DECISION

Background

1. On 27th May 2025, the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £2,300 per calendar month (pcm) in place of the existing rent of £1,750 pcm to take effect from 21st July 2025.
2. On 16th July 2025, under Section 13(4)(a) of the Housing Act 1988, the Tenants referred the Landlord's notice proposing a new rent to the Tribunal for determination of a market rent.
3. The assured tenancy commenced on 21st January 2022 for a term of 24 months. The rental period is monthly.

Allocation of Repairs between Landlord and Tenant.

4. As per sections 9A and 11 of the Landlord and Tenant Act 1985.

Services Charges or furniture provided by Landlord (other than carpets and curtain and white goods specified below) and the costs relating to the same.

5. Cleaning and gardening of common areas is provided but not separately charged for. The Landlord does not provide any furniture.

Liability for Council Tax

6. The Tenants are responsible for the payment of Council Tax in respect of the Property. The rent determined is exclusive of Council Tax.

Hearing

7. A hearing was held on 5th May 2026 at 10:45am, attended by:
 - Mr O'Duffy on behalf of himself and the other Tenants; and
 - Mirah Cohen and Mindy Ster from the agents on behalf of the Landlord.
8. The Tribunal has considered this case on the basis of the oral hearing, the papers provided by the parties and its own knowledge and specialist expertise.

The Property

9. The Property is a flat on the top floor of a 3-storey building in a purpose-built block, offering the following accommodation:
 - 3 bedrooms
 - A living room
 - A kitchen
 - A bathroom
 - A communal garden

- The Property benefits from central heating.

Evidence

10. Both the Tenant and the Landlord returned the Tribunal's Reply forms. Mr O'Duffy, Ms Cohen and Ms Ster all made representations at the hearing.
11. The local authority, the London Borough of Lambeth has served Improvement Notices in respect of 22 of the flats on the estate, including the subject property. Ms Cohen said there is an ongoing appeal but did not give further details.

The Tenant

12. The Tenants asserted that, due to the poor condition of the critical windows, there was penetrating damp and excess cold – the property remains cold even with use of the central heating system. The smallest bedroom is unusable due to the damp and draughts penetrating through the window.
13. All balconies across the estate are out of use due to their condition and have been so since 2022.

The Landlord

14. The Landlord accepted that the windows and balconies were not in a satisfactory condition but blamed planning restrictions arising from the fact that the buildings on the estate are listed. The Tenants refuted this on the basis that some windows on the estate, including one of the windows in the subject property, have been satisfactorily replaced.
15. The Landlord also asserted that all disrepair reported through their online portal would be attended to and they would leave it to the Tenants to re-report problems if their attendance did not resolve the issue. The Tenants pointed out that the issues remain.
16. The Landlord provided a schedule of 8 lettings on the estate which showed 3-bedroom flats being rented at between £2,650 and £3,000 pcm and 2-bedroom flats at between £2,350 and £2,450 pcm. Ms Cohen said the Landlord was seeking a rent in line with that for 2-bedroom flats due to the Tenants' complaints about the third bedroom in their property.

Determination and Valuation

17. The Tribunal accepts that lettings on the same estate generally constitute good comparables. For example, the rents already take into account the fact that none of the flats have use of their balcony. The fact that the Landlord is still able to let flats despite their issues establishes that there is a market for them. However, the Tribunal also accepts the Tenants' submissions that their flat suffers from some

unique disadvantages, namely the unusable third bedroom, a high degree of excess cold and penetrating damp with accompanying mould.

18. Relying on its own expert, general knowledge of rental values in the area, and the comparables provided by the Landlord, the Tribunal considers that the market rental of the subject Property modernised and in good order would be in the order of £2,800 pcm. This is the rent the Tribunal would expect the property to let for in the open market if it was in the same general condition as the comparable properties.
19. From this level of rent, the Tribunal has made adjustments in relation to the following:
 - a) The Tribunal agrees that the problems with the third bedroom mean that the rent ought to be reduced to that appropriate for 2-bedroom flats, bringing the starting rent down to £2,300 pcm.
 - b) Further deductions should be made for the excess cold, damp and mould, bringing the rent down further to £2,000 pcm.

Undue hardship

20. The new rent takes effect from the date specified in the Landlord's Notice of Increase unless that would cause undue hardship to the tenant. In cases of undue hardship, the Tribunal has a discretion to fix a later starting date up to the date a Tribunal makes its determination.
21. The Tenants have not provided any evidence to demonstrate undue hardship. They pointed out that delay in the Tribunal's own procedures has meant that there has been a significant gap between the issue of proceedings and the Tribunal's own determination. However, this is the unfortunate result of the Tribunal's own resource limitations and does not automatically mean that the Tenants will have suffered any hardship.

Decision

22. Therefore, the Tribunal determines the market rent at £2,000 per calendar month with effect from 21st July 2025.

Name: Judge Nicol

Date: 5th May 2026

APPEAL PROVISIONS

If either party is dissatisfied with this decision, they may apply for permission to appeal to the Upper Tribunal (Lands Chamber) on any point of law arising from this Decision. Prior to making such an appeal, an application must be made, in writing, to this Tribunal for permission to appeal. Any such application must be made within 28 days of the issue of this statement of reasons (regulation 52 (2) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013) stating the grounds upon which it is intended to rely in the appeal.