



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

Case Reference	:	LON/00BB/MNR/2026/0068
Property	:	47 Haldane Road, East Ham, Newham, London E6 3JH
Applicant	:	Marita Birzgale (Tenant)
Representative	:	None
Respondent	:	Waqas Ajmal (Landlord)
Representative	:	None
Type of Application	:	Section 13(4) Housing Act 1988
Tribunal Members	:	N Martindale FRICS
Date and venue of Hearing	:	10 Alfred Place London WC1E 7LR
Date of Decision	:	6 May 2026

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application dated 25 February 2026 from the tenant of the Property, regarding a notice of increase of rent served by the landlord, under S.13 of the Housing Act 1988 (the Act).
- 2 The notice, dated 1 April 2026, proposed a new rent of £1700 per calendar month with effect from and including 1 May 2026. The passing rent was said to be £1155 pcm. It was not clear how the tenant had a filed an application before the landlord's notice had been served.

- 3 The tenancy is an assured periodic monthly tenancy. A copy of the last tenancy agreement was provided. The original tenancy ran from 1 February 2023, for 1 calendar year, it then expired. The tenant is now holding over.
- 4 Directions were issued for representations on the substantive issue of the new rent. Neither party requested a hearing. The Tribunal does not routinely carry out inspections.
- 5 The Tribunal carefully considered and noted such representations as it received from both parties and the location layout size and condition of the Property and other available and let comparable properties nearby.

Tenants Representations

- 6 The tenant made various representations in different documents filed with the Tribunal which included: That the notice was not served in the correct Form 4 format; that the Property did not have planning permission for a conversion from a house into 2 flats; that there was no landlord licence to let the Property out; that there was no correct certification of gas and electric supplies and installations; that the rent included mains services bills, that the rent increase was substantial and now unaffordable for her personal circumstances.

Landlords Representations

- 7 No representations were received by the Tribunal.

Property

- 8 The Property is part of a former 1900's terraced house, now subdivided without planning consent into two separate flats, ground and first floor. The Property is the first floor with ground floor access from the street.
- 9 Property is a self contained flat 2 room, kitchen bathroom/wc. It appears to form part of a the former 1900's semi detached house at this address (Google Streetview April 2022). Reportedly converted without planning permission and building control and likely sub-standard. There is no off road parking, there are on street restrictions. Double pitched tiled main roof. A number of historic issues, but these are now largely resolved at the AVD. There was no furniture just provision of disputed white goods. Carpets and curtains were taken to be the landlords.

Law

- 10 In accordance with the terms of S14 of the Housing Act 1988 we are required to determine the rent at which we consider the property might reasonably be expected to let in the open market, by a willing landlord, under an assured tenancy, on the same terms as the actual tenancy;

ignoring any increase in value attributable to tenant's improvements and any decrease in value due to the tenant's failure to comply with any terms of the tenancy. Thus the Property falls to be valued as it stands; assuming it to be in reasonable internal decorative condition.

Decision

- 11 The file provided to the Tribunal contained the earlier purported notice from the landlord dated 2 January 2026 for a rent rise from 2 February 2026. The correct Form was not used and the notice appeared to have been abandoned by the landlord even though the applicant had objected to it. This explains how the application pre-dated the landlord's eventual later notice set out above, which did follow the correct format.
- 12 The Tribunal finds a basic self contained flat, without proper planning permission (but there is no power to enforce its removal by passage of time). It is likely that building control approval was not sought or obtained but, it is not possible to be sure. The fact that electric and gas supplies appear to be shared with the ground floor flat, points to a very basic and substandard conversion including possible dangers from fire safety and/ or sound proofing. Functional, but only basic accommodation as a one bedroom flat is to be found here therefore.
- 13 Based on the Tribunal's own general knowledge of market rent levels in LB Newham determines that the subject Property would let on a normal Assured Shorthold Tenancy (AST) terms, for £1500 per calendar month fully fitted and in good order. The Tribunal, from the evidence available, found that the Property likely had some inherent and hidden deficiencies that could not be easily or cheaply rectified and this would always diminish the value of this space for accommodation as outlined by the tenant, though they would not prevent any occupation. For this reason the Tribunal makes a deduction of £250 pcm from this starting figure leaving £1250 pcm.
- 14 The new rent will therefore be £1250 per calendar month with effect from the date in the Landlord's Notice. **The Landlord is not obliged to charge this sum and may charge a significantly lower rent as a result of their own choice, policy, or governmental regulation. They may not however, charge a rent in excess of it.**
- 15 The tenant made a short general statement about hardship but provided nothing of substance, in order to assess if there was hardship and more importantly if it was 'undue'. No further delay in the start date is made therefore and the new rent runs from the date of the landlords notice 1 May 2026.

Name: N. Martindale FRICS Date: 6 May 2026

Rights of appeal

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 may have.

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 decision to the person making the application (regulation 52 (2) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rule 2013).

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.

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