

	FIRST - TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL PROPERTY)
Case Reference	LON/00AG/MNR/2026/0326
Property	Flat 2, 111 Fordwych Road, London, NW2 3NJ
Tenant	Mrs Nermin Salaheddin Bakir
Tenant's Representative	In Person
Landlord	Mrs Maria Del Mar Pitts
Landlord's Address	Dene House, Mile Path, Woking, GU22 0JL
Landlord's Representative	Alex Croft of Cedar Estates
Date of Application	13 May 2026
Type of Application	Determination of a Market Rent sections 13 & 14 of the Housing Act 1988
Tribunal Members	Mr A Harris LLM FRICS Mr K Beheshtizadeh
Date of Decision	15 June 2026
Rent Determined	£2800 Per calendar month
Date the new rent takes effect	15 June 2026

REASONS FOR THE DECISION

Background

1. On 13 April 2026, the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £3500 per calendar month (pcm) in place of the existing rent of £1400 pcm to take effect from 25 May 2026.
2. On 13 May 2026, 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 assured tenancy commenced on 25 July 2018 for a term of 12 months. The rental period is monthly.

Allocation of Repairs between Landlord and Tenant.

4. As per section 11 of the Landlord and Tenant Act 1985.

Liability for Council Tax

5. The Tenant is responsible for the payment of Council Tax in respect of the Property. The rent determined is exclusive of Council Tax.

Inspection/Hearing

6. Neither party requested an oral hearing. The Tribunal has considered this case on the basis of the papers provided by the parties and its own knowledge and specialist expertise.

The Property

7. The tribunal did not inspect as one was not requested.
8. The Property is a ground floor flat, offering the following accommodation:

The parties dispute the extent of the accommodation. The tenant says there are three bedrooms, 2 bathrooms and an open plan living room/kitchen/dining room. There is a further room and bathroom in the basement which the tenant says have a ceiling height below 2.05m and therefore not habitable.

The landlord considers all the rooms should be valued.

The tribunal finds that there is no legal minimum ceiling height but notes the guidance in the Nationally Described Space Standard specifies a minimum of 2.3m over 75% of the floor space. However the low ceiling does detract from the value as compared with a higher non basement room and this is reflected in the valuation.

The flat has central heating and double glazing

Outside: Rear garden and shed

The Property is situated in NW6 and is convenient for public transport and shopping.

Evidence

9. Both the Tenant and the Landlord returned the Tribunal's Reply forms.

The Tenant.

10. The Tenant made the following comments:

- a) The rent should be in the range of £1600 -£1800 pcm
- b) The flat suffers from subsidence as shown in the photographs in evidence although some crude repairs have been made in an attempt to fill the cracks
- c) The landlord has served a s21 Notice requiring possession.

11. The tenant did not provide any comparable evidence.

The Landlord

12. The landlord says the flat has a modern kitchen with integrated appliances. Subsidence damage is confirmed caused by tree roots and is the subject of an insurance claim

13. The following comparables were provided by the Landlord:

- a) 16 Kings Gardens, a 4 bedroom flat with 3 bathrooms and no garden
- b) 334A West End Lane, a 4 bedroom, 3 bathroom flat above a shop

Determination and Valuation

14. In the absence of comparables provided by the Tenant, the Tribunal considers the comparables provided by the Landlord are of assistance. West End Lane is a busy road and the flat at 334A is over a shop suggesting a higher rent for the subject flat but requiring adjustment for the basement rooms. Similarly 16 Kings Gardens has no outside space but is all on one level and does not have the disadvantage of the low ceilings in the basement.
15. 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 value of the subject property modernised and in good order would be in the order of £4000 pcm. This is the rent we would expect the property to let for in the open market if it was in the same general condition as the comparable properties.
16. From this level of rent, the Tribunal has made adjustments in relation to the following:

- a) The subsidence damage

The full valuation is shown below:

		PCM
AST Market rent		£ 4,000.00
less condition	30.0%	<u>-£ 1,200.00</u>
		£ 2,800.00

Undue hardship

17. 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.
18. The Tenant has asked the Tribunal to fix a later starting date in this case as she is in receipt of universal credit.
19. The Landlord did not respond.
20. As the Tenant is in receipt of Universal Credit the Tribunal considers that for the increase to take effect from the date in the Landlord's Notice would cause undue hardship and accordingly sets the starting date for the new rent as 15 June 2026.

Decision

21. Therefore, the Tribunal determines the market rent at £2800 per calendar month with effect from 15 June 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.