

	FIRST - TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL PROPERTY)
Case Reference	LON/00BJ/MNR/2026/0132
Property	Flat 1, Marius Mansions, Marius Road, London, SW17 7QG
Tenant	Mr K Burstein
Landlord	Bankway Properties Ltd
Landlord's Address	104, Station Road East, Oxted, Surrey, RH8 0QB
Date of Application	5 January 2026
Type of Application	Determination of a Market Rent sections 13 & 14 of the Housing Act 1988
Tribunal Members	Ms H Bowers MRICS Chair Ms C Barton MRICS Mr P Joseph MRICS
Date of Decision	13 July 2026
Rent Determined	£700 per month
Date the new rent takes effect	1 February 2026

REASONS FOR THE DECISION

Background

1. On 18 December 2025, the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £750 per calendar month (pcm) in place of the existing rent of £475 pcm to take effect from 1 February 2026.
2. On 5 January 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. Following an Order of the County Court in Wandsworth, this is an assured monthly periodic tenancy. The original tenancy agreement is dated 1 June 1989 and was originally for a period of one year from 1 June 1989 at a monthly rent of £400.

Allocation of Repairs between Landlord and Tenant.

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

Inspection/Hearing

5. A hearing was held on 13 July 2026 at 10, Alfred Place, London, WC1E 7LR. The Tribunal has considered this case on the basis of an oral hearing and the papers provided by the parties and its own knowledge and specialist expertise.
6. Mr Burstein attended the hearing, but the Landlord was not represented.

The Property

7. The Property is a Ground Floor Flat that comprises of three rooms, with a kitchen and a bathroom. The Reply Form from the Landlord states that the three rooms are approximately 3.34m x 5.06m, 3.38m x 3.71m and 3.38m x 3.71m and the kitchen is 3.42m x 3.9m. it is stated that there are communal gardens. The Tenant states the rooms sizes are smaller at 3.5m x 3m, 3.5m x 2.5m and 3.5 x 2m and that the kitchen is 3m x 3m.

Evidence

8. Both the Tenant and the Landlord returned the Tribunal's Reply forms and provided written representations that are briefly summarised below:

Tenant

9. There have been extensive emails and documents submitted by the Tenant. The Tenant has provided a Bundle of 161 pages and then a revised Bundle with 161 pages and a number of photographs. The following is a very brief summary of the documents provided and the main points made by Mr Burstein.

10. There are photographs of the floorboards in the property, showing a patchwork of condition and repairs. The Tenant has stated that he has carried out the repairs and such work should be disregarded. There are photographs of the exterior showing settlement and cracked brickwork and steps and untidy external stairwells with accumulated rubbish, vermin trap, untidy cables and missing putty work to a window. Amongst other things the internal photographs show signs of water penetration; of poor walls and ceilings; of a dated bathroom with a badly stained bath and high flush WC; of a collapsed ceiling with debris in the bath.
11. The Reply Form submitted by the Tenant states that this is a ground floor flat with what he describes as a living room, bedroom, work room, a kitchen and a bathroom. It is stated that the property has no central heating, double-glazing, carpets, curtains or white goods. There is a gravelled rear area which is hazardous with animal detritus. It is stated that there has been no work by the Landlord since 1999.
12. Mr Burstein has explained that in addition to previous works, since late 2023 he has carried out the following improvements: provided a new water heater, installed a new fire regulations front door, repaired cracks in the plasterwork, carried out repairs and redecorations to the bathroom and bath and repairs to the floorboards.
13. The last rent fixed by the Tribunal was in October 2023 when the rent was fixed at £475pcm. Mr Burstein has provided a detailed description and quotes from the previous Tribunal decisions over the last thirty years. In essence his argument is that the property has continued to deteriorate and over the years the Tribunal has previously described the flat as unlettable and have increased its level of deductions from 40% in 1996 to 75% in 2023. He extrapolates that figure and submits that the deduction should now be 79.5%. It is suggested that according to agents market rents have fallen as a result of many matters including the war in Ukraine and Brexit. He has provided quotes from various commentators that there is a trend of rental prices falling in London. It is stated that the Landlord's proposal is a 57% increase in the rent and there is nothing to justify that.
14. In terms of rental evidence, Mr Burstein has used the Tooting Bec/SW17 area with a range for two-bedroom, modernised flats from £1,700 to £2,100 per calendar month. He suggests 16 modernised flats within half a mile or less of Marius Road. Two bedroom flats in Upper Tooting Road, Tooting at - £1,750, £1,795, £1,900, £1,950 and £2,100; Church Lane, Tooting - £1,900; Tooting High Street, - £1,850 and £2,000, Flowermead Estate, Tooting - £2,100; Vant Road, Tooting, - £1,900; Lucien Road, Tooting - £2,000 and £2,000; Mitcham Road, Tooting - £1,750; Hillbury Road, Tooting, - £1,950; Gassiot Road, Tooting

- £1,950 and Tooting Bec Road £2,000. From these comparables he has reached a rental figure of £1,937 and applied the 79.5% deduction to reach a rent of £400.

15. In respect of the Landlord's comparables, Mr Burstein has removed the three-bedroom flat with an asking rent of £3,500 and has averaged the rents of the studio, one bedroom and two-bedroom flats to reach a figure of £2,118 to which he has applied a deduction of 79.5% to provide a figure of £434.

Landlord

16. The Landlord has submitted that the proposed increase remains significantly below the market rent and has had regard to the Tenant's improvements, condition and security of the tenancy. It is stated the property is situated in a well sought after location.
17. The Landlord's agent has provided a list of comparables from a Rightmove search within a ¼ mile radius of the subject property. These include one-bedroom, one-bathroom flats, with asking rents ranging from £1,800 to £2,300. Two-bedroom and one-bathroom flats at £2,850 and £3,000. A studio with an asking rent of £1,300. A three-bedroom, one-bathroom flat with an asking rent of £3,500 and a property with an unidentified number of rooms at an asking rent of £1,600.

Determination and Valuation

18. Mr Burstein has used comparables in the Tooting Bec area and states the property is a 5-minute walk from Tooting Bec Station. However, the property is closer to Balham and the station there. We consider the selection of his comparables does not really reflect the subject property. We are of the opinion that the Landlord's comparables are more reflective of the values for Marius Road and are more aligned to the Tribunal's general knowledge of rental values in the area. We note that Mr Burstein has considered the Landlord's comparables and averaged out those asking rent to achieve a rent of £2,118. However, this average includes the studio flat and the one-bedroom flats. It is clear that the subject property has two bedrooms, even if one is used by Mr Burnstein as a workroom. If we take the average of the two-bedroom comparables offered by the Landlord, then the average asking rent is £2,925. We acknowledge that those asking rents and in our opinion, and relying on our own expert, general knowledge of rental values in the area, 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 we would expect the property to let for in the open market if it was in the same general condition as the comparable properties.

19. Mr Burstein has made extensive representations about the condition of the property and the works that he has undertaken. This is not disputed by the Landlord and given the extensive history of Tribunal cases we are satisfied that the condition of the property is extremely poor. However, he has taken a purely mathematical approach to come to his opinion that the rent should be fixed at £400. He has taken the deductions from 40% to 75% and extrapolated the level of deduction on an annual basis to reach a deduction of 79.5%. We do not agree with this approach. In general, the market would take a view on the condition of a property at a particular time and would not carry out the exercise undertaken by Mr Burstein. We also consider that there comes a point in time when the condition of a property is fully reflected in an appropriate level of discount and we consider that level of discount is now reached. To take Mr Burstein's approach would eventually the cumulative discount would reduce the rental value to a nil figure. This is not logical as even if the property is 'unlettable' due to its poor condition, we consider that some residual rental value will remain for this property at the bottom end of the market. We therefore adopt a discount of 75% to reflect the extremely poor condition as described in detail by Mr Burstein and ignoring the value of any improvements carried out by him.
20. Therefore, from the level of rent determined in paragraph 18 above, the Tribunal has made adjustments in relation to the following:
- a) Very poor condition with no central heating, double glazing, carpets, curtains or white goods.

The full valuation is shown below:

Starting Rent	<u>£2,800 pcm</u>
<u>Less</u>	
a) Items given under a) above 75%	<u>£2,100</u>
Market rent	£700 pcm

Hardship

21. There have been no submissions on hardship and accordingly we do not exercise our discretion as set out in section 14(7).

Decision

22. Therefore, the Tribunal determines the market rent at £700 per calendar month with effect from 1 February 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.