

	FIRST - TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL PROPERTY)
Case Reference	LON/00AW/MRA/2026/0043
Property	Flat 9 Boltons Court, 216 Old Brompton Road, London SW5 0BZ
Tenant	Edward Fisher and Elizaveta Samoriz
Tenant's Representative	N/A
Landlord	Patrick Eugene Jean Marie Tyberghein
Landlord's Address	c/o Chestertons (managing agent)
Landlord's Representative	Chestertons (managing agent)
Date of Application	18th June 2026
Type of Application	Determination of a Market Rent sections 13 & 14 of the Housing Act 1988
Tribunal Members	Ms S Allen Mr D Jagger MRICS
Date of Decision	24 July 2026
Rent Determined	£6,200 per calendar month
Date the new rent takes effect	14 September 2026

REASONS FOR THE DECISION

Background

1. On 18th June 2026 the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £6,375 per calendar month (pcm) in place of the existing rent of £6,200 pcm to take effect from 14 September 2026.
2. On 18th June 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 14 July 2025 for an initial term of three years expiring on 13 July 2028. The rental period is monthly.

Allocation of Repairs between Landlord and Tenant.

4. As per section 11 of the Landlord and Tenant Act 1985.
5. The Property was let furnished with the Landlord's furniture.

Services Charges or furniture provided by Landlord

6. The property was let furnished. Heating and hot water are provided by a communal boiler serving the building.

Liability for Council Tax

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

Any other terms of the tenancy taken into consideration in determining the rent.

8. The condition of the Property, the fact that it is let furnished, the limited and overlooked outside space, the absence of double glazing on a busy main road and the lack of allocated parking are relevant considerations in determining the rent.

Inspection/Hearing

9. Neither party requested an oral hearing or inspection. 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

10. The Property is a three bedroom, two bathroom duplex flat arranged over the ground and lower ground floors, offering the following accommodation:

Reception room, kitchen, three bedrooms and two bathrooms. The approximate net internal area is 1,527 sq ft (142 sq m), the majority of which is at lower ground floor level.

Outside: a small north facing hard surfaced yard which is overlooked by neighbouring flats.

The Property is served by a communal boiler for heating and hot water and does not have double glazing.

The Property is situated in Earl's Court, on Old Brompton Road, a busy main road in the London Borough of Kensington and Chelsea (SW5).

Evidence

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

The Tenant.

12. The Tenant made the following comments:
 - a) The majority of the floor area is at lower ground floor level with little natural light, and the Property suffers from ongoing damp and mould.
 - b) The communal boiler has failed repeatedly, resulting in extended periods without heating or hot water.
 - c) There is unrepaired water damage to the kitchen following a burst pipe, and staining to the hallway carpet from a lower ground floor WC leak, both reported but not remedied.
 - d) The Property has no double glazing despite fronting a busy main road, and the finishes throughout are chipped, scuffed, marked and stained as recorded in the July 2025 check in inventory. The Landlord's refurbishment was carried out approximately 15 years ago.

- e) The outside space is a small, north facing, hard surfaced yard which is heavily overlooked, and the Property does not benefit from allocated parking.
13. The Tenant provided a schedule of seven comparable properties, all located within 0.2 miles of the subject Property, showing an average rent of £4,950 pcm, and commented on the comparable evidence provided by the Landlord, which is noted by the Tribunal.

The Landlord

14. The following comparables and comments were provided by the Landlord:
- a) Fulham Road, SW3, £6,500 pcm
Approximately 1,446 sq ft; asking rent; located in Chelsea and South Kensington, a superior submarket.
 - b) Iverna Gardens, W8, £6,500 pcm
Approximately 1,611 sq ft; asking rent; located in High Street Kensington, a superior submarket.
 - c) Brechin Place, SW7, £6,500 pcm
Approximately 1,201 sq ft; asking rent; located in South Kensington, a superior submarket.
 - d) All three comparables are asking rents rather than achieved lettings and lie outside Earl's Court.
The Landlord proposes a rent of £6,375 pcm and relies on these comparables together with the original marketing particulars for the Property.

Determination and Valuation

15. The Tribunal has considered the comparable evidence provided by both parties. The Landlord's three comparables are all asking rents rather than achieved lettings and lie outside Earl's Court in higher value submarkets and so require downward adjustment for location. The Tenant's seven comparables are genuinely local, but the majority are smaller than the subject Property or located on upper floors, and several have been subject to rent reductions. The subject Property is materially larger than the Tenant's comparables at approximately 1,527 sq ft, is let furnished and has its own outside space, which places it above the Tenant's local average of £4,950 pcm.
16. Relying on its own expert, general knowledge of rental values in the area and the comparables provided by the Landlord and the Tenant, the Tribunal considers that the market rental of the subject Property modernised and in good order

would be in the order of £6,600 pcm. This is the rent we would expect the property to let for in the open market if it was in good condition.

17. From this level of rent, the Tribunal has made adjustments in relation to the following:

- a) The condition of the Property, including the damp and mould affecting the lower ground floor, the unrepaired water damage and the repeated failures of the communal boiler
- b) The below ground nature of the majority of the accommodation with limited natural light, the absence of double glazing on a busy main road and the dated finishes throughout
- c) The limited and overlooked outside space and the lack of allocated parking

The valuation is shown below:

Starting Rent		<u>£6,600 pcm</u>
<u>Less</u>		
a) Items given under a), b) and c) above	Total	<u>£400</u>
Market rent		£6,200 pcm

Undue hardship

18. 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.

19. The Tenant has not provided any specific request or evidence relating to hardship. Therefore the Tribunal does not consider that the increase from the date in the Landlord's Notice would cause undue hardship and accordingly sets the starting date for the new rent as 14 September 2026.

Decision

20. Therefore, the Tribunal determines the market rent at £6,200 per calendar month with effect from 14 September 2026.

Rights of Appeal

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.