



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

Case Reference : **LON/00AW/MNR/2025/0783**

Property : **Ground Floor Flat, 32 Elsham Road
London W14 8HB**

Tenant : **Mr H Gararoghlu and Ms L
Gararoghlu**

Landlord : **Khald Seydo and Samina Shahzady**

Date of Objection : **8 April 2025**

Type of Application : **Determination of a Market Rent
sections 13 & 14 of the Housing Act
1988**

Tribunal : **Mr C Norman FRICS**

**Date of Decision
Notice and Summary
Reasons** : **29 November 2025**

Date of Reasons : **12 March 2026**

REASONS

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Background

1. On 11 March 2025 the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £2,850 in place of the existing rent of £2,500 per month to take effect from 12 April 2025.
2. On 26 March 2025 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. The Tenant's referral was received by the Tribunal on 4 April 2025.
3. The tenancy is an assured periodic tenancy. From the tenancy agreement, a copy of which was provided with the application, the assured tenancy commenced on 9 January 2024 as an assured shorthold tenancy.
4. The Tribunal raised as a preliminary point that it might not have jurisdiction. This was on the grounds that the section 13 notice was undated and that the proposed new rent must start at the beginning of a period of the tenancy. On 7 August 2025 the Tribunal determined that the notice was valid and that the Tribunal had jurisdiction. Permission to appeal against that decision was refused by the Tribunal on 23 October 2025.

Directions

5. Directions were issued on 5 September 2025. The application was set down for a determination on the papers without a hearing or inspection, unless either party requested these, which neither party did. The landlord was directed to complete a reply form giving details of the property, further comments, and any documents upon which the Tribunal was to rely, by 26 September 2025. The tenant was directed to do likewise by 10 October 2025. The landlord was entitled to submit a reply by 17 October 2025.

Inspection

6. The Tribunal did not inspect the property but considered this case on the basis of the papers provided by the parties.

The Tenant's Case

1. The tenant's case as set out in their Reply Form may be summarised as follows. The property was a ground floor flat. The accommodation comprised living room, small kitchen, double bedroom, and single

bedroom. There were no central heating, double glazing or carpets/curtains. White goods were provided. The tenants complained that the carpet was in poor condition. There were occasional mice from the fireplace. There was mould. The section 13 notice was procedurally unfair because it was related to a section 21 notice served by the landlord. The council had previously been involved in fixing a rotten window. The property was unlicensed, although licensing information was vague. The property had been on the market for sale since September 2024, and this caused the tenants to be disturbed. Correspondence between the tenants and the local housing authority was provided which related to window disrepair (which the tenants indicate was remedied) and the lack of a gas certificate. However, there is a statement in the tenants' case that a gas technician attended the property on 3 March 2025.

2. The tenants referred to a comparable put forward by the landlord at £690 per week, which they submitted was in better condition. Another landlord's comparable at £750 per week (Marsh & Parsons) was newly refurbished and had 2 bathrooms.
3. The tenants referred to another flat on Elsham Road newly refurbished with wooden floors where a letting was agreed at £2,500 per month. They also referred to another letting on Elsham Road at £2300 per month. There were not supported by agents' particulars.

The Landlord's Case

4. The landlord's case may be summarised as follows. The initial rent set was below market value. The property comprised entrance hall, large living room with period features and bay window. There were a spacious dining area and wool carpet. The property was provided with central heating, double glazing, carpets/curtains and white goods. The kitchen was fitted with appliances. The bathroom, which was fully tiled contained a bath shower, WC and wash handbasin. There was a large double bedroom and small double bedroom with mezzanine deck for storage. The flat had high quality finishes and furniture. The flat was refurbished in 2007-2010. Repairs were carried out to the sitting room in 2021 and to the bathroom in 2023. The property is near Holland Park. Elsham Road is a quiet tree-lined street. Photographs of the property were provided. The landlord had been directed to sell the property by its lender.
5. The landlords enclosed two comparables from Marsh & Parsons of 2 bedroom flats in Eltham Road. The asking terms were £750 per week for a flat with 2 bathrooms and £690 for a flat with one bathroom. Brief details of a further property on Elsham Road were also provided at £819 per week.

Determination and Valuation

6. The Tribunal finds from photographs that the property is a mid-terrace period house converted into flats. The Tribunal finds that it did have central heating, part secondary glazing and was carpeted. The Tribunal finds that this is an attractive property in a desirable area. The Tribunal did not see clear evidence of mould but considers that the interior décor is tired. In addition, it noted deterioration to the carpets. It was provided with no evidence of mouse infestation, but in any event does not consider that an occasional sighting of a mouse would affect market value. It does not consider that the furniture would affect rental value.
7. The Tribunal was not provided with evidence as to the licencing status of the property or that it required a licence. Correspondence between the tenants and the Local Housing Authority related to window disrepair (which the tenants indicate was remedied) and the lack of a gas certificate. In their Reply the tenants refer to a “gap in safety certification” which implies that this was remedied when the gas technician attended on 3 March 2025.
8. Having considered all the comparable evidence provided by the parties and of its own expert, general knowledge of rental values in the area, the Tribunal places most weight on the comparable in Elsham Road at £690 per week. This is because that property is in Elsham Road and also has one bathroom. Therefore, the Tribunal finds that the open market rent for the property in very good condition would be in the region of £2,990 per calendar month. From this level of rent the Tribunal considers it necessary to makes adjustments in relation to the internal decorations and condition of the carpets. It considered that this required a 10% reduction in rental value. Therefore, the valuation was:

	per calendar month	
Market Rent		£2,990
<i>Less</i>		
Carpets in poor condition)	approx. 10%	
Internal decorations are tired.)		
		<u>£299</u>
		£2,691
Say		£2,690

9. Therefore, the Tribunal determined a rent of £2,690 per calendar month.

Decision

10. The Tribunal therefore determined that the rent at which the subject property might reasonably be expected to be let in the open market by a willing Landlord under an assured tenancy was £2,690 per calendar month.
11. The Tribunal directed the new rent of £2,690 to take effect on 12 April 2025 this being the date as set out in the Landlord's Notice of Increase.

Chairman: Mr C Norman FRICS

Date: 14 March 2026

ANNEX - RIGHTS OF APPEAL

- The Tribunal is required to set out rights of appeal against its decisions by virtue of the rule 36 (2)(c) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 and these are set out below.
- If a party wishes to appeal against this decision to the Upper Tribunal (Lands Chamber) then a written application for permission must be made to the First-tier Tribunal at the Regional office which has been dealing with the case.
- The application for permission to appeal must arrive at the Regional office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.
- 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.