

FIRST - TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference	**:**	**LON/00BJ/F77/2026/0131**
Property	**:**	**33 Sawyers Apartments, 27 Danvers Avenue, London, SW11 1AU**
Tenant	**:**	**Mrs O Macauley** **Represented by Yabs Macauley**
Landlord	**:**	**Peabody Trust**
Date of Objection	**:**	**15 April 2026**
Type of Application	**:**	**Section 70, Rent Act 1977**
Tribunal	**:**	**R Waterhouse FRICS** **A Onigbode**
Date of Decision	**:**	**7 September 2026**

DECISION

The sum of £2080 per calendar month including a service charge of £77.33 per calendar month, will be registered as the fair rent with effect from 7 September 2026, being the date the Tribunal made the Decision. The determination of the rent does not in itself require the landlord to charge the amount determined and the tenant should check with the landlord on this. A registered rent is the maximum a landlord can charge.

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Full REASONS

Background

1. The landlord submitted an application, dated 28 October 2025 to register a fair rent of £1101.21 per calendar month (pcm). The tenancy of the subject property runs from 19 October 2022, and the previous rent paid at that property was not registered previously. The rent was said to be £814.61 pcm.

2. Following the application the Rent Officer registered a fair rent of £1576.00 pcm including a service charge of £77.33 pcm, registered on 31 March 2026.

Following an objection from the tenant dated 15 April 2026 to the determination of a fair rent by the Rent Officer, the Tribunal has made a determination under the provisions of the Rent Act 1977.

3. Directions were issued on 4 June 2026.

The Property

4. The current rent register entry stated the property as being "self - contained purpose built flat, post 2000, with full central heating located on the fourth floor with three rooms, one kitchen and one bathroom."

The Inspection

5. The Tribunal did inspect the property after the hearing and found the block in which the subject flat is situated is within a multistorey purpose-built block of contemporary style newly built. The block is part of a complex of similar blocks. The location being a few minutes' walk to Clapham Junction railway station.

6. The block has electronic access past gates into the communal area which is finished to a good standard. The subject flat is on the 7th floor.

7. The subject flat itself is finished to a high standard. The living room is combined with the kitchen, from the living room is a balcony facing east. There are two good sized bedrooms, and a bathroom. The property has heating and double glazing. There is no outside space.

The Hearing.

Present at the hearing were Mrs O Macauley, supported by her daughter Yabs Macauley.

The Respondent Landlord was not present.

Preliminary Matter

In the absence of the Respondent Landlord, the tribunal first consider Rule 34 of The Tribunal Procedure (Fire-tier Tribunal) (Property Chamber) Rules 2013, which addresses the issue of an absent party.

Hearings in a party's absence

34. *If a party fails to attend a hearing the Tribunal may proceed with the hearing if the Tribunal—*

(a)is satisfied that the party has been notified of the hearing or that reasonable steps have been taken to notify the party of the hearing; and

(b)considers that it is in the interests of justice to proceed with the hearing.

The tribunal was assured the landlord had been informed of the time and place of the hearing. The tribunal given this and in consideration of the nature of the hearing determined it was in the interests of justice to continue the hearing in the absence of the Respondent landlord

Evidence

Submission by the tenant

6. The tenant within their objection letter of 15 April 2026, noted their personal circumstances and described an ongoing dispute there is with the landlord over sewage entering the flat through the bathtub, sink and toilet on 21 November 2025. Further that the tenant has not been able to return at the point of the objection. The tenant submitted photographs showing issues with mould and damp.

7. At the time of the hearing the tenant had returned with their possessions mainly to be unpacked.

8. The tenant submitted is a 13-page report by Emergency Clean UK, titled "works completion report" concerning the sewage damage. The report notes, sewage decontamination and cleaning works were carried out at Flat 33. On 3 April 2026.The report details the condition found and works undertaken to rectify. The report is noted by the tribunal and key sections noted below.

9. The report under section 1 – Biohazard and contamination finds; that

10. Possible sewage Permeation Beneath Laminate/Chipboard Flooring

The contaminated areas in both bedrooms had no clear boundary- the affected zone meets the laminate flooring at the door thresholds. It is possible the contamination has breached these points sewage water has permeated beneath the laminate and into or beneath the chipboard floorboards. The skirting boards are well sealed with silicone at the base, which reduces ingress risk via that route, but permeation from the bedroom areas cannot be ruled out. If moisture is trapped inside or beneath the board, mould growth will result.

11. Active mould growth – utility cupboard

Active mould growth was identified on the walls of the utility cupboard, with visible black mould colonies across the lower corner walls on both sides. ECUK treated the affected area with a broad-spectrum fungicide solution to kill active mould spores.

Full mould remediation- Utility Cupboard Not Completed

A full mould clean, including treatment of 1m2 surrounding zone and application of a mould paint blocker, was discussed on site but was not included in the agreed scope of works for this visit. Active mould spores have been treated with fungicide solution, but visible staining may remain and recurrence cannot be guaranteed without a full remediation treatment.

12. Several photographs have been included with the submission; these are noted by the tribunal.

Included also is a copy of a letter from Peabody Trust dated 27 January 2026 detailing the compliant re the sewage and proposed works to rectify.

The tenant noted that at the date of the hearing all physical issues had been rectified but there was an ongoing discussion around costs.

13. The tenant noted that when they had first entered the property the landlord had provided laminate flooring to the hall, had kitchen, vinyl to the bathroom and carpet to the bedrooms. In order to repair the property post flood, the tenant has subsequently supplied the flooring. The white goods are also supplied by the tenant.

14. The tenant submits the thermostat in bathroom shower is broken and the is an inadequate paint job in the second bedroom, post the damp treatment. Finally, it is noted the tenant was “displaced” for 6.5 months whilst continuing to pay rent.

Submission by the landlord

15. The landlord has not made any submissions.

Nature of flat to be determined

16. The Tribunal finds that the nature of the flat for which the rent is to be determined is that at the commencement of the tenancy that is that at the start of the tenancy 2022 but with the tenant's improvements in this case the flooring.

17. The condition of the flat is that at the date of determination which is 7 September 2026.The flat is 7th floor with two bedrooms, open plan living room kitchen and a bathroom.

18. In a regulated tenancy the responsibility for internal decoration normally rests with the tenant. The tribunal in the absence of contesting finds this to be

the case. In this case it is uncontested that the tenant supplied the white goods, curtains and carpets.

Valuation

19. In determining the level of rent for the fair rent, the Tribunal must carry out a valuation under section 70 of the Rent Act 1977 and then an assessment under the Rent Acts (Maximum Fair Rent) Order 1999. The latter assessment is dependent on the inflation rate between the last registered rent and the date of the current determination which is the date of hearing. The Tribunal must then adopt the lower of the two figures as the fair rent to be registered. The Tribunal cannot take into account the financial circumstances of the tenant in determining the rent.

20. In this case there is no previous registered rent so the comparison with rent calculated under the 1999 Order cannot be made.

21. The Tribunal must consider the flat in the condition as found above.

22. No comparable evidence has been provided by either party. The Tribunal relies on its expertise and adopts the figure of £3200.00 pcm.

23. From this level of rent we have made adjustments in relation to: (i) terms and conditions of the tenancy that is the tenant is responsible for internal decoration which is more onerous than contemporary tenancies from which the comparables are derived (ii) the condition as at the start of the tenancy compared with the condition of properties in a contemporary letting, (iii) the supply of curtains, flooring and white goods (iv) disrepair, and (v) scarcity.

24. The starting rent is derived from rents of contemporary lettings, which the tenant is not responsible for service charge payments, these being the responsibility of the landlord. The rent assessed by this process implicitly has the service charge included within it. Where a tenant did have a responsibility to pay a service charge, then the quantity of rent offered by the tenant would take into account the liability to pay service charge and so would reduce the rental bid by the same.

Market Rent £3200.00 pcm

Less: 15% for (i) to (iv) above;
and 20% scarcity
£1120pcm

Net rent
£2080 pcm

----------**Decision**

25. The rent calculated under section 70 Rent Act 1977 is £2080 pcm.

26. There was no previous rent registered and so the 1999 Order does not apply.

27. The Tribunal determines the £2080 pcm, including a service charge of £77.33 pcm, with effect from 7 September 2026.

Chairman: R Waterhouse FRICS

Date: 7 September 2026

Appeal to the Upper Tribunal

A person wishing to appeal this decision to the Upper Tribunal (Property Chamber) on a point of law must seek permission to do so by making a written application to the First-tier Tribunal at the Regional Office which has been dealing with the case which application must:

a. be received by the said office within 28 days after the Tribunal sends to the person making the application written reasons for the decision.

b. identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.

If the application is not received within the 28 –day time limit, it must include a request for an extension of time and the reason for it not complying with the 28- day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.