FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference	:	LON/00AL/MRA/2026/0221
Property	:	5 Fairfax Gardens Whetstone Road London SE3 8PY
Applicant	:	Omagbitre Esuku Mary Esuku (Tenants)
Representative	:	None
Respondent	:	Touola Akiwumi (Landlord)
Representative	:	None (Agent)
Date of Application	:	1 August 2026
Type of Application	:	Determination of a Market Rent sections 13 &14 Housing Act 1988
Tribunal Members	:	N. Martindale FRICS A. Onigbode
Date of Decision	:	10 November 2026
Rent Determined	:	£2000 per calendar month
Date of new rent start	:	9 December 2026

REASONS FOR DECISION

Background

1 A landlord's notice FORM 4A, dated 28 May 2026, was served under Section 13(2) Housing Act 1988 proposing a new rent of £2100 per calendar month in replacing a passing rent of £1296.44 pcm, with effect from 9 August 2026.

© CROWN COPYRIGHT 2013

2 At a date, prior to the effective date, under S.13(4)(a) Housing Act 1988 the tenant referred the landlord's notice proposing a new rent, to the Tribunal for determination.

3 The assured tenancy is now periodic calendar monthly.

Allocation of Repairs between Landlord and Tenant

4 As per S.11 Landlord and tenant Act 1985.

Landlord's Service Charges and Furniture provided and costs.

5 No furniture included. Landlord's white goods and a variety of other fixed floor finishes and coverings assumed.

Liability for Council Tax

6 Tenant.

Other relevant terms of tenancy

7 None

Inspection and Hearing

8 An inspection is not routinely carried out. The Tribunal is content that it has sufficient information on the Property, its condition and on comparables, from a combination of the written and any photographic representations received and from its own knowledge and specialist expertise. There was no oral hearing.

Property

9 There was no inspection. The Property is an end terrace 1950's former Council House. Fair faced brick walls, hipped double pitched tiled roof. The image was largely 'cloaked' on Google Streetview (June 2019).

10 The accommodation is assumed to be: First floor, 3 bedrooms bathroom wc; ground floor, living room and kitchen. There is gas fired central space and water heating and double glazed windows.

11 There is a rear garden and front garden but apparently no off road parking. There are no on-street parking restrictions. Few if any of the original houses appear to have been sub-divided. The Property is in an established residential road a cul-de-sac turning in LB Greenwich.

Evidence

12 The Tribunal received completed Form MR1 of 1 August 2026 from the tenant, with the landlord's notice in Form 4a. Later the reply Form

MR2 came from the landlord. Both documents providing some additional background to the Property and the letting. The tenant replied through Form MR3. The Tribunal is grateful for such information as was provided by one or both of the parties.

Tenant

13 The tenant did not contest the form and/or content of the landlord's S.13 Notice but did challenge the new rent. The tenant felt that the rent should stay at £1296.44 pcm. The tenants included photographs, mainly of the Property interior. They showed some repairs to the ceiling apparently in the kitchen. The repairs appeared temporary but functional in nature. They had been completed by the landlord following a ceiling collapse apparently. The tenant was concerned about the level of condensation in the house. The tenant felt that the small bedroom was only a store on account of its small size.

14 The tenants did not refer to any of their own comparables.

Landlord

15 The landlord confirmed that there were gardens front and rear. That the small bedroom was above the minimum size set for such by LB Greenwich in their minimum housing standards. The landlord reported that the kitchen ceiling had been damaged from the heat and moisture released by the tenants running an unauthorised catering business from the Property, an intensive use that had caused damage. This was the primary cause of the condensation.

16 The landlord referred in general terms to other terraced and semi-detached houses nearby, which they considered ranged from between £2100 to £2500 pcm. The higher rents appeared to be for former private semi-detached houses. They also included 3 written opinions of rental value of the Property as at August 2026, from local letting agents including: 1. B&C Properties Ltd. at £2100 pcm. 2. Brown & Dunedin £2500 pcm. 3. Dexters £2100 - £2300 pcm.

Law

17 In accordance with the terms of S.14 of the Act we are required to determine the rent at which we consider the property might reasonably be expected to let in the open market, by a willing landlord, under an assured tenancy, on the same terms as the actual tenancy; ignoring any increase in value attributable to tenant's improvements and any decrease in value due to the tenant's failure to comply with any terms of the tenancy. Thus the Property falls to be valued as it stands; but assuming that the Property to be in a reasonable internal decorative condition.

Valuation

18 From the Tribunal's own general knowledge of market rent levels in LB Greenwich, for a Property of this type and location, it determines that the subject Property would let on normal Assured Periodic Tenancy (APT) terms, for £2,000 pcm, fully fitted and in good order. This is the rent we would expect the Property to let for in the open market, if it was in the same condition as comparable properties including landlord's white goods and floor coverings.

19 The Tribunal noted that the Property had experienced minor defects some of which had been remedied by the landlord and some perhaps by the tenant's use. The Tribunal considered these deficiencies were not significant enough to make an end allowance from this starting figure. The Tribunal determines the new market rent at £2000 pcm.

Undue Hardship

20 If undue hardship were shown then at most, the start date for the new rent could be delayed by a Tribunal up to 2 months, effective from the beginning of the next rent period following. Allowance for hardship from the rent increase, was sought by the tenant in their application but there was no supporting documentation to consider further. No change to the effective date of the new rent is made by the Tribunal.

Decision and effective start date

21 The new rent of £2000 pcm is to be levied from and including the start date of the next rent period falling due, which is 9 December 2026.

22 Although the landlord is not obliged to charge this rent and may charge a significantly lower rent as a result of their own choice, policy, or governmental regulation; they may not charge more than this figure. Otherwise any further reduction in the figure, is a matter between the parties, only.

Chairman N Martindale FRICS Date 10 November 2026

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

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 decision to the person making the application (regulation 52 (2) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rule 2013).

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.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).