	**FIRST - TIER TRIBUNAL** **PROPERTY CHAMBER** **(RESIDENTIAL PROPERTY)**
Case Reference	**LON/00AM/MRA/2026/0343**
Property	**135 Elderfield Road, London, E5 0AY**
Tenants	**Jeanne Harignordoquy & Robert Radcliffe**
Tenant's Representative	**N/A**
Landlord	**Paul Precilla**
Landlord's Address	**116 Selbourne Road, Palmers Green, London N14 7DG**
Landlord's Representative	**Fyfe McDade**
Date of Application	**19 August 2026**
Type of Application	**Determination of a Market Rent sections 13 & 14 of the Housing Act 1988**
Tribunal Members	**Mr D Jagger MRICS** **Mr W Gibbs**
Date of Decision	**11 November 2026**
Rent Determined	**£2,150 per calendar month**
Date the new rent takes effect	**11 November 2026**

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REASONS FOR THE DECISION

Background

1. On 23 July 2026, the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £2250 per calendar month in place of the existing rent of £2000 per calendar month to take effect from 29 September 2026. This being an increase of £250 which equates to approximately 12.5%.

2. On 19 August 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 tenancy is an assured shorthold tenancy granted to the Tenant by an agreement which commenced on the 29 July 2025 for a term of 24 months at the current passing rent. The Tribunal were presented with a copy of the agreement. The rental period is monthly. In accordance with the new legislation this is now an assured periodic agreement.

Allocation of Repairs between Landlord and Tenant.

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

5. The Tenant is responsible for internal decoration and for some minor repairs.

Services Charges or furniture provided by Landlord

6. Service charges are not payable by the Tenant for the Property.

7. The property is let unfurnished

Liability for Council Tax

8. 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.

None

Inspection/Hearing

9. The parties did not request a hearing or an 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 second floor purpose built flat forming part of a four storey Ex Council block with brick elevations under a flat roof built during the 1960s.

11. The accommodation comprises: living room, kitchen, two bedrooms, bathroom, balcony and lavatory. The windows are double glazed, there is a gas heating system and floor coverings. The property has an EPC Rating of D which is average and a stated floor area of 79m2. The flat is located in an established residential area convenient to local amenities and Clapton station.

Evidence

12. The parties provided comprehensive written statements together with helpful photographs, inventory and floor plan. The parties produced comparable evidence of the marketing of 2 bedroom flats in the area.

The Tenant.

13. The Tenant made the following comments:

    a) There were mould issues to the walls, a de-humidifier is needed, and the walls are cleaned monthly. The Landlord does not respond to these defects.
    b) Poor estate management from the Council with over-flowing bins and rubbish.
    c) Transport links in the area are poor with nearest station one mile distance.
    d) A similar flat in the block has been listed on rental market for 5 weeks at £2150pm, with little interest.
    e) Security issues on the estate lead to people breaking into the storage areas.
    f) The Tenant provided the following comparable evidence: 1 Upper Clapton Road E5 – £1,900 pcm; 2 Mare Street E8 – £2,095 pcm; 3 Chatsworth Road E5 – £2,000 pcm; not shown as let . 4 Brookbank Street E9 – £2,100 pcm; 5 Alvington Crescent E8 – £2,000 pcm marked Let Agreed;

The Landlord

a) The property has ventilation grilles in main rooms, and the level of black mould is disputed.
b) On 30 July 2025 the landlord contacted Hackney Council regarding the reported mould/condensation and roof concerns. The Council inspected the roof on 30 September 2025. On 1 October 2025 the landlord informed the tenants that the Council had found no roof issues and no blocked vents and relayed the advice to keep the property appropriately heated and ventilated.
c) A map shows the subject property in relation to Chatsworth Road, where bus services are located. Chatsworth Road is approximately a one-minute walk from the property.
d) Stirling Ackroyd provided a written market valuation dated 27 July 2026 for 135 Elderfield Road, stating that, having considered current market conditions and comparable evidence in the area, the property was estimated to achieve in the region of £2,600 per calendar month. The letter also states that the valuation was based on current market conditions and comparable evidence. This is professional letting-agent valuation evidence and is materially above the £2,250 rent sought by the landlord. It is unknown whether the agent inspected the property.
e) On 8 July 2026, Alex Taniewski-Elliot, of the Landlord's letting agent recorded that the current market rent was likely to be in the region of £2,170–£2,250 pcm,
f) The letting agent and the landlord are committed to maintaining the property. Many of the issues mentioned by the tenant in the "reasons for your proposed market rent" section have not previously been raised.
g) Within the bundle are details of 2 comparable flats (1) Elderfield Road - £2150 pcm – this is a flat in the same block. no confirmation of a letting. (2) Landmark Heights Daubenry Road - £2000 – a refurbished 16th floor flat, details of the letting of further flats in this block were also provided.
h) Same-block Elderfield Road comparable – reduced asking rent and subsequent letting at £2,149 The Foxtons particulars relate to a two-bedroom flat on Elderfield Road in the same block/estate. Foxtons confirmed by email dated 5 September 2026 that the property had since been let at an asking price of **£2,149** per month.
i) Further comparable evidence provided was: Beecholme Estate, Prout Road, London, E5 9NS – £2,500 achieved rent this is a two-bedroom purpose-built apartment on the second floor of a low-rise block.
j) Hendale House, Upper Clapton Road, London E5 8BB – £2,170 achieved rent, this is a purpose-built comparable

Determination and Valuation

14. Section 14 of the Housing Act 1988 requires the Tribunal to determine the rent at which it considers the Property might reasonably be expected to be let on the open market by a willing landlord under an assured tenancy, on the terms of the subject tenancy other than as to rent, and disregarding the matters set out in section 14(2). Those disregards include any effect on the rent attributable to the fact that the Tenants are sitting tenants, and any increase in value attributable to a relevant improvement carried out by the Tenant.

15. **The Post-May 2026 Framework:** Following the implementation of the Renters' Rights Act on **1 May 2026**, most private tenancies in England automatically converted into or were created as assured periodic tenancies. Under this framework, the Section 13 process is now the only statutory route for a Landlord to implement a rent increase on these tenancies.

16. The Tribunal is grateful to both parties for the written statements, photographs and the comparable evidence.

Determination and Valuation

17. Section 14 of the Housing Act 1988 requires the Tribunal to determine the rent at which it considers the Property might reasonably be expected to be let on the open market by a willing landlord under an assured tenancy, on the terms of the subject tenancy other than as to rent, and disregarding the matters set out in section 14(2). Those disregards include any effect on the rent attributable to the fact that the Tenants are sitting tenants, and any increase in value attributable to a relevant improvement carried out by the Tenants.

18. Some of the comparable evidence relied upon by both parties consists of advertised asking rents rather than achieved rents. Asking rents are of assistance in establishing the tone of the market but they are not conclusive, since a property may in the event let at a figure above or below the rent at which it was advertised.

19. Relying on its own expert, general knowledge of rental values in the Clapton area, the Tribunal considers that the market rental of the subject property, modernised and in good condition would be in the order of £2150 per month. This is the rent we would expect the property to let for in the open market including having white goods and curtains provided by the landlord.

20. The Tribunal are of the opinion the key comparable is the recent letting of a similar flat in the same block at £2149. The photos within the details confirm this has a slightly inferior specification, however, it is the Tribunals opinion this would not significantly affect rental value in comparison with the subject.

21. The Tribunal have not made any adjustments in relation to the matters raised by the Tenant in paragraph 13. Based upon the evidence provided by the parties, the Landlord has made reasonable efforts to investigate the alleged black mould to the internal walls.

Decision

21. The authority for the Tribunal to set the date when a new rent takes effect now comes from **Section 14(A1)** and the related determination provisions in the Renters' Rights Act 2025 (which amends the Housing Act 1988). Therefore, the new rent takes effect from the date of this decision.

22. The Tribunal determines the market rent at **£2,150** per calendar month with effect from 11 November 2026 being the date of the Tribunal's decision.

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.