



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

Case reference : **LON/00BC/MNR/2020/0027**

HMCTS code (paper, video, audio) : **P: PAPERREMOTE**

Property : **32 Wansford Road, Woodford Green, Essex, IG8 7AA**

Applicant : **Miss Raquel Murray**

Representative : **In Person**

Respondent : **Mek Gupta**

Representative : **None**

Type of application : **Market Rent under s13 & 14 of the Housing Act 1988**

Tribunal member(s) : **Mr A Harris LLM FRICS FCI Arb**

Date and venue of hearing : **29 September 2021 at 10 Alfred Place, London WC1E 7LR**

Date of decision : **29 September 2021**

DECISION

Covid-19 pandemic: description of hearing

This has been a remote hearing on the papers which has been consented to by the parties. The form of remote hearing was P: PAPERREMOTE. A face-to-face hearing was not held because it was not practicable and all issues could be determined on paper. The documents that I was referred to are the notice of increase, the application and covering correspondence and submissions from the Tenant the contents of which the tribunal have noted

Decisions of the tribunal

- (1) The tribunal determines that the market rent is £1120.00 (one thousand one hundred and twenty pounds) per calendar month.
- (2) The tribunal makes the determinations as set out under the various headings in this decision.

The application

1. The applicant seeks a determination pursuant to section 13 & 14 of the Housing Act 1988 following the service of a notice by the landlord proposing a rent increase to £1450.00 per month.

Background

2. On 13 January 2020 the landlord served a notice of rent increase proposing a new rent of £1450.00 per month in place of the existing rent of £900.00 per month. The starting date for the new rent would be 5 March 2020.
3. On 25 February 2020 the tenant, Ms Murray, made an application to this tribunal challenging the increase. The application contained details of disrepair at the property and correspondence with the Local Authority.
4. The tribunal has received no representations from the landlord.
5. An inspection was not possible on this occasion and the tribunal relied on the evidence provided. There was no appearance by the landlord.

The property

6. The subject property is a 2 storey mid terrace house with 3 bedrooms, reception room, kitchen and bathroom/WC.

The Tenant's evidence

7. The tenant's evidence includes details of disrepair including water damage and cracks. in the walls and ceiling. This is supported by a letter dated 25 February 2020 from the Council identifying category 1 and category 2 hazards which required repair. There is correspondence with the Landlords agent regarding repairs which the Tenant says were not completed
8. The kitchen requires work as a consequence of the disrepair. Correspondence indicates a new cooker was to be provided by the Landlord but all the other white goods belong to the tenant.
9. The tenant carried out works in 2010 at the start of the tenancy.
10. No details of comparable properties were provided by either party.
11. A copy of an unsigned tenancy agreement for a term commencing in December 2020 was also provided. There is no evidence this has come into effect.

The landlord's evidence

12. The landlord has supplied no evidence.

The Law

13. The tribunal must first determine that the landlord's notice under section 13(2) satisfied the requirements of that section and was validly served.
14. The Housing Act 1988, section 14 requires the tribunal to determine the rent at which it considered that the subject property might reasonably be expected to be let on the open market by a willing landlord under an assured tenancy.
15. In so doing the tribunal, is required by section 14(1), to ignore the effect on the rental value of the property of any relevant tenant's improvements as defined in section 14(2) of that Act. Any improvements made during the previous regulated tenancy are no longer disregarded.

Valuation

16. No rental evidence had been put forward by the landlord.

17. The tribunal considered the evidence provided and also used its own knowledge and experience. The tribunal is of the view that rents have fallen in this area in the recent past primarily due to the effects of Covid 19. The tribunal considers that the house in good repair and with the amenities required by the market would let at a rent of £1400 per calendar month. The tribunal then deducted 20 % for the condition of the property and lack of white goods in the kitchen. The tribunal determines a rent of £1120 per month.

Effective date

18. Under s14 (7) of the Housing Act 1988 the effective date of the decision would normally be the date shown on the application unless there is hardship to the tenant.
19. The tribunal application shows the tenant to be in receipt of Housing Benefit which is not normally backdated. The tribunal considers this is evidence of hardship and therefore the effective date of the decision is the date of the decision.

Name: A P Harris LLM FRICS FCI Arb Valuer Chair **Date: 29 September 2021**

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 a party wishes to appeal 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.

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