

**Notice of the Tribunal Decision and Register of Rents under Assured Periodic Tenancies (Section 14 Determination)**

Housing Act 1988 Section 14

**Address of Premises**

30 Dibdin House, Maida Vale, London, W9 1QE

**The Tribunal members were**

Mr A Harris LLM FRICS FCI Arb

**Landlord**

Grainger Invest 1 LLP

**Address**

Citygate, St. James Boulevard, Newcastle Upon Tyne, Tyne And Wear, NE1 4JE

**Tenant**

Mr Anthony Kinsella & Ms Patricia Kinsella

1. The rent is: £

942

Per

month

(excluding water rates and council tax but including any amounts in paras 3)

2. The date the decision takes effect is:

1 November 2020

\*3. The amount included for services is/is negligible/not applicable

Per

~~\*4. Service charges are variable and are not included~~

5. Date assured tenancy commenced

1992

6. Length of the term or rental period

Monthly Periodic

7. Allocation of liability for repairs

S.11 – Landlord & Tenant Act 1985

8. Furniture provided by landlord or superior landlord

None

9. Description of premises

4<sup>th</sup> Floor 3 Bedroom, no lift, central heating, reception, kitchen & shower room/WC.

**Chairman**

**A Harris**

**Date of Decision**

**28 June 2021**



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

**Case reference** : **LON/00AK/MNR/2021/0013**

**HMCTS code (paper, video, audio)** : **V: CVPREMOTE**

**Property** : **Flat 30, Dibdin House, Maida Vale, London W9 1QE**

**Applicant** : **Mr & Mrs Kinsella**

**Representative** : **In Person**

**Respondent** : **Grainger Invest No 1 LLP**

**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** : **28 June 2021 at 10 Alfred Place, London WC1E 7LR**

**Date of decision** : **28 June 2021**

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**DECISION**

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## **Covid-19 pandemic: description of hearing**

This has been a remote video hearing which has been consented to by the parties. The form of remote hearing was V: CVPREMOTE. A face-to-face hearing was not held because it was not practicable and all issues could be determined in a remote hearing. 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 £942.00 (nine hundred and forty two 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 £1096.58 per month.

## **Background**

2. On 27 August 2020 the landlord served a notice of rent increase proposing a new rent of £1007.98 per month in place of the existing rent of £962.00 per month. The starting date for the new rent would be 1 November 2020.
3. On 28 September 2020 the tenants, Mr & Mrs Kinsella, made an application to this tribunal challenging the increase. The application included a list of works which the tenant has carried out since the tenancy commenced in 1992. These include a fitted kitchen, refitting the bathroom, redecoration when needed, replacing doors, plaster repairs and boxing in meters. The flat was described by the tenant as being in shell condition at the commencement of the tenancy. No evidence to the contrary was produced.
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 and the previous decision which was in evidence. There was no appearance by the landlord.

## **The property**

6. Dibdin House is a well-located block with good access to public transport. The block is built as a hollow rectangle with gardens in the centre and was previously owned by the Church Commissioners.
7. The flat is a three bedroom flat providing reasonably spacious accommodation but is located on the 4<sup>th</sup> floor overlooking a busy road junction. There is no lift.
8. Common parts are not in particularly good order. There is a modern entrance with an entryphone providing security and weatherproofing to the previously open entrance but the standard of decoration to the staircase is poor. The roof has leaked above the top floor landing with water damage visible. The tenant stated the condition of the staircase had deteriorated since the previous decision
9. The tribunal noted the following matters from the previous decision and the current evidence. The property as let by the landlord and disregarding tenant's improvements is in reasonable internal and external repair. There is evidence of a past roof leak with water staining evident internally.
10. The kitchen was refitted by the tenant and is in good condition. White goods belong to the tenant. The kitchen gives access to a small balcony.
11. The bathroom was refitted by the tenant.
12. Wiring appears to be relatively modern and there is a damaged power socket in the hall.
13. Although the flat is centrally heated by a gas boiler, there is condensation damage to ceilings due the flat being on the top floor below a flat roof. The tenant said the roof had a mouse infestation.
14. A number of the rooms have been redecorated by the tenant and are in good decorative order.

### **The landlord's evidence**

15. The landlord has supplied no evidence.

### **The Law**

16. The tribunal must first determine that the landlord's notice under section 13(2) satisfied the requirements of that section and was validly served.

17. 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.
18. 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**

19. No rental evidence had been put forward by the landlord.
20. Rental evidence was supplied by the tenant of property details from Zoopla for flat 55 Dibdin House showing a quoting rent of £1450 per month.
21. The tenant also referred to the previous decision of this tribunal in December 2019 for the subject flat. A rent of £962.00 per month was set based on the details for 55 Dibdin House then to let at £1500 per month. Deductions of 35% were made for condition and tenancy terms from a market rent for the subject flat if let in the condition the market would expect and on normal terms of £1500 pcm. The tenant considered the deductions were reasonable.
22. 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 recent years as shown by the previous decision. There is no evidence before the tribunal this trend has stopped or been reversed. The tribunal considers that the flat in good repair and with the amenities required by the market would let at a rent of £1450 per calendar month. The tribunal then considered whether the deduction of 35% made by the previous tribunal was still correct and decided that it was and therefore deducted 35% for the condition of the property. The tribunal determines a rent of £942.50 per month.

### **Effective date**

23. 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.
24. The tribunal received no evidence of hardship and therefore the effective date of the decision is 1 November 2020.

**Name:** A P Harris LL.M FRICS FCI Arb      **Date: 28 June 2021**  
Valuer Chair

### **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).