



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

Case reference : **LON/00AW/MNR/2021/0063**

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

Property : **147D Ledbury Road, London, W11 1HR**

Applicant : **Chuck Ononiwu**

Representative : **In Person**

Respondent : **Notting Hill Genesis**

Representative : **Mr C Milson**

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

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

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

Date of decision : **25 October 2021**

DECISION

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:PCVPREMOTE. 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 tenancy agreement.

Decisions of the tribunal

- (1) The tribunal is not required to make a determination of the level of market rent and the case is closed.

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.

Background

2. On 13 January 2020 the landlord served a notice of rent increase proposing a new rent of £125.50 per week including a Specialist Housing Maintenance charge of £3.63 per week in place of the existing rent of £123.65 per week. The starting date for the new rent would be 5 April 2021.
3. On 11 March 2021 the tenant, Mr Ononiwu, made an application to this tribunal challenging the increase.

The property

4. The subject property is a flat with 1 bedrooms, 1 reception room, kitchen and bathroom/WC.

The evidence

5. The tenant's reason for making the application was to challenge the inclusion of a Specialist Housing Maintenance charge in the rent. He did not challenge the rent element.
6. The tribunal asked the landlord to explain this and the charge is for the additional cost of maintaining special equipment used to support elderly or disabled residents.

7. Mr Ononiwu stated he did not have any such equipment. Mr Millson undertook to investigate and delete the charge if Mr Ononiwu was correct.
8. The tribunal adjourned for 1 week to allow for written confirmation the charge had been withdrawn.
9. Written confirmation has been received the charge has been withdrawn from 5 April 2021 and indefinitely going forward.
10. The tribunal has closed the case without determining a market rent.

The Law

11. The tribunal must first determine that the landlord's notice under section 13(2) satisfied the requirements of that section and was validly served.
12. 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.
13. 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.

Name: A P Harris LLM FRICS FCI Arb Valuer Chair **Date: 25 October 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).