



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

Case reference : **LON/00BB/MNR/2021/0032**

Property : **6 Dennison Point, Gibbins Road,
Stratford, London, E15 2LY**

Applicant : **Ms Joy Aviihiegbe Eni**

Representative : **In person**

Respondents : **High Castle Estates**

Representative : **-**

Type of application : **Sections 13 and 14, Housing Act
1988**

Tribunal members : **Alison Flynn MA MRICS
Tribunal Judge Robert Abbey**

Venue of hearing **Paper based decision**

Date of Decision **2 August 2021**

Date of Reasons : **23 August 2021**

REASONS

Background

1. On 11 December 2020 the tenant of the above property referred to the Tribunal a notice of increase of rent served by the landlord under section 13 of the Housing Act 1988 (“the Act”).
2. The landlord’s notice, which proposed a rent of £1296.44 per month is dated 27 November 2020. The notice proposed a starting date for the new rent of 16 January 2021.
3. The tenancy is an assured periodic tenancy from May 2018, the current rent being £460 per month.

Hearing

4. This has been a remote hearing on the papers. The form of remote hearing was classified as P (PaperRemote). A face-to-face hearing was not held because it was not practicable given the Covid-19 pandemic (and the need for social distancing) nor was it practicable and all issues could be determined in a remote hearing on paper. The documents that the Tribunal was referred to are in an electronic bundle

Inspection

1. The tribunal did not inspect the property as it considered the documentation and information before it in the trial bundle enabled the tribunal to proceed with this determination and also because of the risks, restrictions and regulations arising out of the Covid-19 pandemic.

The law

5. The law as to the Tribunal’s approach is given at section 14 of the Act which insofar as relevant is as follows:

(1) Where, under subsection (4)(a) of section 13 above, a tenant refers to a Tribunal a notice under subsection (2) of that section, the Tribunal shall determine the rent at which, subject to subsections (2) and (4) below, the Tribunal consider that the dwelling-house concerned might reasonably be expected to be let in the open market by a willing landlord under an assured tenancy—

(a) which is a periodic tenancy having the same periods as those of the tenancy to which the notice relates;

(b) which begins at the beginning of the new period specified in the notice;

(c) the terms of which (other than relating to the amount of the rent) are the same as those of the tenancy to which the notice relates;

[...].

Findings

6. This is an assured tenancy under the Housing Act 1988. The Tribunal considered the submissions put forward by both parties. The property is situated on the first floor of a 23 storey tower block at Dennison Point E15 and is due for demolition. Given the situation around Covid, the flat has not been inspected by the tribunal but photographs supplied by the tenant indicate that it is in poor condition. The property has a history of multiple occupancy and although it is not entirely clear which rooms the tenant is entitled to occupy, it would certainly appear from the photographs that the property in general has physically suffered from its type of occupation with various health hazards (including energy rating) having been listed after a visit by an Environmental Health Officer in September 2020. However, the landlord's submissions described the flat as "fair" The occupation is described by the tenant as "a room in a two bedroom flat at first floor of building" but the landlord gives contrary evidence indicating the tenant occupies the whole flat. Clearly the tenant must have use of the bathroom and kitchen.
7. The block itself is part of the 1967 Carpenters estate which has three tower blocks and some low-rise housing. It has fallen into disrepair to the extent that a process of emptying one of the tower blocks was started. However, funding for refurbishment was discontinued and demolition of the remaining tower blocks was recommended. Apparently, more than half the residents have left the estate. Currently, the situation does not appear to have been resolved in terms of redevelopment of the whole estate. In short, the flat is in a deteriorating block and deteriorating area and with the vacancy of some properties, there is both a potential and actual situation as a magnet for squatters and other detrimental factors to the environment.
8. Rent comparables were provided by the landlord but these were of limited assistance, given the specific problems surrounding both the flat itself and the surrounding area. The tribunal used its expertise in assessing a broad-brush approach to the specific problems attached to this property in a deteriorating area bearing in mind the possible frailty of the rental market at a time of Covid. It used the rents of comparable properties in the location both of "rooms" at a lower end of the scale and of two-bedroom flats at a higher end of the scale. It is of the opinion that a market value for the rent would be £1,325 (bearing in mind the landlord's comparables) However, from this, there needs to be deductions to reflect the state of repair and terms and conditions as well as specific problems discussed above. Therefore, the tribunal decided to deduct a global figure of 65% from £1,325 resulting in a figure of £463.75 say a rent of £460 per month

Tribunal Judge Professor Robert Abbey

ANNEX - RIGHTS OF APPEAL

- The Tribunal is required to set out rights of appeal against its decisions by virtue of the rule 36 (2)(c) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 and these are set out below.
- If a party wishes to appeal against 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.