



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

Case Reference : **JM/LON/00BK/MNR/2021/0008**

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

Property : **Flat 2, 8-18 Inverness Terrace, Hyde
Park Executive Apartments, W2 3HU**

Applicant : **Miss Imane El Cohen**

Representative : **In person**

Respondent : **Inverness Apartments Ltd**

Representative : **None**

**Type of
Application** : **Decision in Relation to section 22 of the
Housing Act 1988**

Tribunal Member : **Mr Charles Norman FRICS
Valuer Chairman**

Date of Decision : **29 June 2021**

DECISION

Covid-19 pandemic: description of Determination

This has been a remote determination on the papers which has been consented to by the parties. The form of remote determination was P:PAPERREMOTE, A face-to-face hearing was not held because it was not practicable, and no-one requested the same. The documents to which the Tribunal were referred comprised 40 pages, the contents of which the Tribunal has noted.

Decision:

- (1) The Application for a determination of the rent is **REFUSED** and consequently the rent under the tenancy continues to be payable.

Background:

1. The Tribunal received an application under section 22 of the Housing Act 1988 dated 14 March 2020. This is a typographical error as the year should have been 2021.
2. On 4 May 2021, Directions were issued stating that the matter be dealt with by written representations, unless either party requested a hearing, which none did, and that the matter would be determined during the 14 days after 28 June 2021.

The Law

3. Section 22 of the housing Act 1988 states:
 - (1) Subject to section 23 and subsection (2) below, the tenant under an assured shorthold tenancy may make an application in the prescribed form [to the appropriate Tribunal] for a determination of the rent which, in the appropriate Tribunal's] opinion, the landlord might reasonably be expected to obtain under the assured shorthold tenancy.
 - (2)[...]
 - (3) Where an application is made to [the appropriate Tribunal] under subsection (1) above with respect to the rent under an assured shorthold tenancy, [the appropriate Tribunal] shall not make such a determination as is referred to in that subsection unless they consider—
 - (a) that there is a sufficient number of similar dwelling-houses in the locality let on assured tenancies (whether shorthold or not); and
 - (b) that the rent payable under the assured shorthold tenancy in question is significantly higher than the rent which the landlord might reasonably be expected to be able to obtain under the tenancy, having regard to the level of rents payable under the

tenancies referred to in paragraph (a) above.

The Property and Tenancy

4. From the tenant's application form, the property is a ground floor studio flat comprising one room and one bathroom. A washing machine is shared with other residents. The studio was let furnished with bed, wardrobe, and dining table under an assured shorthold tenancy for 12 months from 17 December 2020 at a rent of £1061 per calendar month. This is inclusive of hot water, gas, and electricity.

The Applicant's Case

5. The applicant has not set out the reasons for her application. Nor did the applicant respond to the directions issued on 4 May 2021 which requested details of the property and any rental evidence or other submissions which the applicant wished to make.

The Respondents' Case

6. The respondent did not respond to the reference.

Findings

7. The Tribunal finds that there is a sufficient number of other assured tenancies in the locality for the Tribunal to make a determination. The Tribunal finds that the rent is not significantly higher than the rent which the landlord might reasonably be expected to obtain. For that reason, the application is refused.

Name: Charles Norman FRICS **Date:** 29 June 2021

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.