

Notice of the Tribunal Decision and Register of Rents under Assured Shorthold Tenancies (Section 22 Non - Determination)

Housing Act 1988 Section 22

Address of Premises

Flat 2, 13 St. Stephens Gardens,
London, W2 5QU

The Tribunal members were

Mrs Evelyn Flint DMS FRICS IRRV

Landlord

Langford House Properties

Address

Suite 1, 50 Nevern Square, London, SW5 9PF

Tenant

Mr Flavia Santos de Souza Pinhiero

1. Date assured shorthold tenancy commenced

28 February 2020

2. Length of the term or rental period

6 months from 28 February 2020

3. Allocation of liability for repairs

As per agreement

4. Furniture provided by landlord or superior landlord

table

5. Description of premises

Studio apartment on the first floor of a converted house. With freestanding shower cubicle and wc/wash handbasin.

Background

On 10 August 2020 the tenant applied to the Tribunal for a determination of rent under S22(1) Housing Act 1988 as amended.

An inspection was not carried out because of the Covid 19 restrictions and neither party requested one.

The Tribunal received written representations from both the landlord and the tenant. The tenant provided a detailed statement regarding the condition of the studio but did not provide any comparable rental evidence. She moved out on 17 July 2020 i.e. before the expiry of the initial 6 month term of the tenancy. The landlord provided a list of studios to let in the area and stated that neither the previous tenant nor the

current tenant had complained about the problems with the wc which the applicant had referred to in her submissions.

The Law

In accordance with S22 the Tribunal cannot make a determination unless it considers –

(a) that there is a sufficient number of similar properties in the locality let on assured tenancies (whether shorthold or not) for comparison; and

(b) that the rent payable under the shorthold tenancy in question is significantly higher than the rent which the landlord might reasonably be expected to get in comparison with other rents for similar properties let on assured tenancies (whether shorthold or not) in the locality.

Decision

The Tribunal is satisfied that there are a sufficient number of similar properties locally let on assured tenancies to enable it to establish the rental value of the premises by reference to comparable properties.

The Tribunal is not satisfied that the matters referred to by the tenant would reduce the open market rental value below that currently payable, £888 per month, which is at the lower end of the range for studios in the locality. Having considered all the rental evidence supplied by the parties and using their own knowledge and experience of rental levels in the area of the W2 postcode the Tribunal was satisfied that the rent payable under the tenancy, is not significantly higher than the rent which the landlord might reasonably expect to get by comparison with the rents paid for other similar properties let on assured tenancies.

The tests under the Act were not both met therefore the Tribunal did not make a determination.

Chairman

E Flint

Date of Decision

16 April 2021