



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

Case Reference	:	FL/LON/00AQ/MNR/2019/0077
Property	:	21 Roxeth Hill, Harrow, Middlesex, HA2 0JY
Applicant	:	Mr S Zaman, Mrs T Nazmunnahar & Mrs J Begum (Tenants)
Representative	:	None
Respondent	:	Mr H Singh (Landlord)
Representative	:	None
Type of Application	:	Section 13(4) Housing Act 1988
Tribunal Members	:	Mr N Martindale FRICS Mr N Miller BSc
Date and venue of Hearing	:	16 August 2019 10 Alfred Place, London WC1E 7LR
Date of Decision	:	16 August 2019

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application and accompanying letter dated 14 June 2019 from the tenants of the Property, regarding a notice of increase of rent, served by the landlord respondent under S.13 of the Housing Act 1988 (the Act).
- 2 The landlord's notice, dated 15 May 2019, had proposed a new rent of £1,970 per calendar month, with effect from and including 22 June 2019. This figure included council tax, stated to be £164.80 pcm.

- 3 The tenancy is an assured periodic monthly tenancy. A copy was provided.
- 4 The rent payable up to and including 21 June 2019 was £1,550 pcm including council tax.

Directions

- 5 Directions were issued by the Tribunal on 20 June 2019 and set out the timetable including those for submissions. Neither party requested a hearing, but the tenant included written submissions with their initial application. The Tribunal carefully considered such representations as it received from both parties.

Tenants' Representations

- 6 The tenant was concerned about a range of shortcomings at the Property re-inforced by the findings of Harrow Council's inspection. These defects were described by the tenant as: *"...didn't have a proper working shower, the TV aerial was broken, oven didn't work. Eventually after 3 months he sent someone to sort out the shower and areal regarding the oven I was told he would buy one on the condition that I have to wire it up and install it.....The White goods in the property washing machine working 60%, dishwasher not working and tall fridge freezer working 70^ like I said to the landlord just because something comes on doesn't means it works properly."* *"Regarding the works I keep mentioning it was never done so I had to get Environmental health involved which they issued the landlord with a category 2 order..."*
- 7 The tenants included a copy of Harrow Council's findings which included reference to: 'Excess cold' in the bathroom (there being no fixed heating), drafts from the front door/ frame and from the living room floor/ skirting. . in that room: To 'Damp and Mould Growth' found in the bathroom around and above the bath. And, to food hygiene issues arising from the unsealed brickwork to part of the living/ dining room wall.

Landlord's Representations

- 8 The landlord confirmed that there had been no rent increase since the grant of tenancy, for 27 months and showed that the white goods had been functioning at the start. Although the landlord referred to rent arrears arising more recently, this is not a material consideration for the Tribunal in determining the rental value on review. The landlord was also concerned at the reasons given for the tenant to call Harrow Council to check on the health and safety of the Property in connection with those arrears and with the notice of rent increase.

Inspection

- 9 The Tribunal inspected the Property on 16 August 2019. The tenant was present; the landlord was not. It is a small late Victorian mid-terraced house with slate roof and rendered brick walls. It is located on the A4005 – Roxeth Hill, near to its busy junction with mixed residential and commercial Northholt Road, the A312. There are on-street parking restrictions. The Property has no off street parking. The accommodation is on two levels, ground and first. The original house has been refurbished and extensively re-arranged in what appeared to have been the last ten years. There is a small front garden/ yard, and a larger but, still compact rear garden.
- 10 On the ground floor the original part of the house has been converted into one large living room/ diner with the front entrance opening straight into it. Behind this is a new single storey back addition containing a large kitchen breakfast room looking out on to the rear garden. It was particularly well lit from extensive use of skylights. The first floor has a large double bedroom to the front, a small bathroom/ WC in the centre illuminated and vented by a central light well through the loft from a roof window; and a smaller double bedroom to the rear. The house appears overall to be in a good condition. The house has gas fired central heating and modern double glazed timber look sash windows, a modern kitchen and bathroom. The bathroom had a fixed electric powered towel rail/ radiator. The Tribunal noted the presence of the landlord’s white goods, though some were reported as defective. The Tribunal was also referred to concerns about condition raised in the report from Harrow Council.

Law

- 11 In accordance with the terms of S14 of the Act we are required to determine the rent at which we consider the property might reasonably be expected to let in the open market, by a willing landlord, under an assured tenancy, on the same terms as the actual tenancy; ignoring any increase in value attributable to tenant’s improvements and any decrease in value due to the tenant’s failure to comply with any terms of the tenancy. Thus the property falls to be valued as it stands.

Decision

- 12 Based on the Tribunal’s own general knowledge of market rent levels in Harrow, we determine that the subject property would let on normal Assured Shorthold Tenancy (AST) terms, for £1,300 per calendar month, fully fitted and in good order as it substantially is. The Tribunal bases its valuation on the condition of the Property at the date of inspection. It ignores any tenant’s improvements; but noted the presence of the landlord’s ‘white goods’, double glazing, central heating, and flooring finishes. The Property had been refurbished in recent years some time prior to the grant of the tenancy but remained in a substantially modernized and good overall condition. It took account of

the landlord's recent works to meet the Council's minor concerns over cold and in particular over the lack of fixed heating to the bathroom.

- 13 Although the Tribunal concluded that there were no significant defects which apparent on the day of inspection that would diminish its rental value, the Tribunal concluded that the rental market had softened slightly between the date of the initial grant of the lease and the effective date of the landlord's notice of rent increase. It therefore determines the new rent at £1,300 pcm.
- 14 To this figure must be added the ongoing cost of council tax for the Property, an arrangement which the parties have agreed he will meet on the tenant's behalf. The Tribunal noted that council tax was currently stated to be £164.80 pcm and that on this basis the total rent under the tenancy will be **£1,464.80 pcm**.
- 15 This new rent is less than that proposed in the landlord's notice, however we adopt the same effective date so that the new rent will take effect **from 22 June 2019**.

Chairman N Martindale FRICS

Dated 16 August 2019