



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

**Case Reference** : **LON/00AM/F77/2019/0155**

**Property** : **Flat 88, Denman House, Lordship  
Terrace, London N16 0JH**

**Applicant** : **Mr. Derrick McLean**

**Representative** : **N/A**

**Respondent** : **Grainger Invest No 1 LLP**

**Representative** : **Grainger PLC**

**Types of Application** : **Fair rent**

**Tribunal Members** : **Judge Tagliavini  
Mrs A Flynn MA MRICS**

**Date and venue of  
Hearing** : **8 November 2019  
10 Alfred Place, London WC1E 7LR**

**Date of Decision** : **8 November 2019 (Reasons  
provided 8 December 2019)**

**DECISION**

## **Decision of the tribunal**

### **I The tribunal determines that the fair rent payable is £173.50 per week with effect from 8 November 2019.**

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#### **The application**

1. This is an objection to the fair rent registered by the Rent Officer of £172.00 per week with effect from 11 September 2019 pursuant to the provisions of the Rent Act 1977.

#### **The premises**

2. The premises comprise a self-contained purpose built flat built circa 1919-1944. The premises have been modernised with full central heating and comprises three rooms, kitchen and bathroom/w.c.

#### **Background**

3. In a letter dated 11 June together with the accompanying form RR1 the landlord made an application for the re-registration of the fair rent for the subject premises as it was last registered in the capped sum of £155.00 per week with effect from 11 September 2017. For information purposes, the relevant rent register also referred to an uncapped rent for the subject premises of £275.00 per week to otherwise have been applicable at that date.

#### **The Applicant's evidence**

4. In a letter dated 28 August 2019 sent to the Rent Officer and forwarded to the tribunal for the purposes of the tenant's objection, Mr. McLean stated he had lived at the premises since 1988 and since then no improvements had been carried out in any part of the flat. Mr. McLean stated that the rent he had been paying for at least 15 years had been markedly more than other comparable registered rents at Denman House.
5. Mr. McLean attended an oral hearing of his objection the new registered rent in which he told the tribunal he had looked at comparable flats in the building including Flat 48 a 4 roomed flat with a registered rent of £148 per week; Flat 46 a 4 roomed flat with a registered rent of £159.00 per week; Flat 55 a four roomed flat with a registered rent of £163 per week; Flat 58 a 4 roomed flat with a registered rent of £172 and Flat 83 a 5 roomed flat at £154.50 per week.
6. Mr. McLean told the tribunal that all of these comparables should have full central heating and window replacements. Consequently, Mr. McLean asserted that the rent for his flat should be registered at

£154.50 per week. Mr. McLean stated that the tiling in the bathroom and the kitchen needed replacing/repairing as well as the floor tiles. Mr. McLean stated he had replaced the kitchen unit, the bath, the w.c. and the sink. Mr. McLean stated that he believed his flat should be completely re-wired for safety reasons and had been told that these works had been carried out although only a fuse box had been replaced. Mr. McLean asserted that his w.c. had not been flushing properly for years and that the electric light in the hall was not working properly as the bulb 'blows' after a couple of weeks.

### **The Respondent's evidence**

7. No further representations or evidence was received from or on behalf of the landlord.

### **Inspection**

8. The tribunal carried out an inspection of the premises on 8 November 2019 and found it to be a two bedroom flat in situated in low level purpose built block of flats and in a fair condition but with limited and dated electrical sockets/wiring and tired bathroom and kitchen tiling.

### **The tribunal's decisions and reasons**

9. In determining the fair rent to be registered the tribunal first considered the market rent that would otherwise be payable by the tenant but for the operation of The Rent Act 1977. The tribunal took as its starting point a market rent of £375 per week having regard to comparable properties in the N16 area indicating market rents of between £339 to £404 per week. The tribunal found the comparable rents upon which Mr. McLean relied to be of limited assistance as little detail about these properties was provided. From the market rent of £375 per week, the tribunal made a number of deductions as required by section 70 of the Rent Act.
10. Therefore, the tribunal made the following deductions 10% for the dated kitchen; 5% for the dated bathroom/w.c; 5% to reflect the lack of landlord's curtain, carpets and white goods, 5% to reflect the disrepair to electrics and w.c. and 5% to reflect the more onerous terms and conditions found in a Rent Act protected tenancy. This produced total deductions of 30%/£112.50 from the £375.00 per week providing an amount of £262.50. The tribunal then considered the issue of 'scarcity' of similar properties in the North London area and considered it was appropriate to make a deduction of 20% to reflect this factor. This provided an adjusted market rent of £210.00 per week.
11. . The tribunal was also required to carry out a calculation in accordance with the Rent Acts (Maximum Fair Rent) Order 1999 which is intended to limit fair rent increases. Having carried out the calculation in accordance with the 1999 Order, this produced a rental figure of £173.50 per week. As this was a lower figure than the adjusted market

rental figure of £210.00 per week, the tribunal registered the fair rent to be payable as £173.50 per week with effect from 8 November 2019.

**Signed: Judge Tagliavini**

**Dated: 8 December 2019**