



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

Case Reference : **KA/LON/00A/F77/2019/0166**
Property : **90 Beechcroft Avenue, Harrow,
Middlesex, HA2 7JG**
Tenant : **Mr. Robert Cross**
Landlord : **Northumberland & Durham
Property Trust**
Types of Application : **Fair rent**
Tribunal Members : **Judge Tagliavini
Mr. D Jagger, MRICS**
**Date and venue of
hearing** : **17 January 2020
10 Alfred Place, London WC1E 7LR**
Date of Decision : **17 January 2020**
Date of (corrected) : **4 February 2020**
Decision and reasons

Corrected Decision and extended Reasons

Summary decision of the tribunal

- I. The rent to be registered for the first floor flat at 90 Beechcroft Avenue, Harrow, Middlesex HA2 7JG is £728 per lunar month (£9,464 per annum).**
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The application

1. This is an application seeking a determination by the tribunal of the rent to be registered after an objection was made by the landlord to the rent registered of £720 per lunar month with effect from 16 September 2019.

The property

2. The subject property is described in the rent register as a first floor purpose-built self-contained (maisonette) flat without central heating, comprising 3 rooms, kitchen, bathroom and w.c.

Background

3. Mr. Cross has been the tenant of the subject property since 8 April 1978 as recorded in the Rent Register. The respondent is the current landlord and is represented by its agent Grainger Residential Management Limited. By an Application for Registration of Fair Rent dated 27 June 2019, the landlord sought an increase in the registered rent of £176.25 (weekly) to £203.00 per week. The Rent Officer subsequently registered the rent as £720 per lunar month representing (£180 per week/£9360 per annum).
4. By a letter to the tribunal received on 13 September 2019, the landlord sought to object to the rent registered. Neither party provided the tribunal with any representations as to why they agreed or disagreed with the Rent Officer's registration. Further, neither party requested an oral hearing of the application to the tribunal to provide any oral evidence. Therefore, the tribunal determined the application on the papers provided from the Valuation Office Agency (incorporating Rent Officer functions) and from its own inspection of the subject property.

Inspection

5. The tribunal inspected the property on 17 January 2020 in the presence of Mr. Cross. The landlord did not attend and was not represented. The tribunal found the subject property to be in a good decorative condition with tenant's central heating and modern kitchen and bathroom.

Duncan: Do you remember who put these in? We have deducted for them. Yes it was the tenant.

The tribunal's decision

6. The tribunal drew upon its expertise and experience of properties in the subject area and in particular the similar properties at 98, 62 and 102 Beechcroft Road and determined that the appropriate market rent is £1300 per four weeks (lunar month). However, the tribunal determined that deductions of 30% should be made to reflect the lack of white goods, carpets, tenant's improvements including gas central heating, kitchen and sanitary fittings and the terms and conditions of the tenancy to which the repairing covenant of section 11 of the Landlord and Tenant Act applies. This provided an adjusted figure of £910 per lunar month. The tribunal made a deduction of 20% to reflect the scarcity of similar properties in the Greater London area which provided a figure of £728 per lunar month (£9,464 per annum)
7. The tribunal was also required to carry out a calculation under the provisions of the Rent Acts (Maximum Fair Rent) Order 1999 and provided the calculation sheet to the parties. This produced a rental figure of £785.50 per lunar month.
8. As the Fair Rent figure calculated by the tribunal is lower than the Maximum Fair Rent the tribunal determines that £728.00 per lunar month is the rent to be registered as the Fair Rent with effect from 17 January 2020.
9. **In accordance with rule 50 of The Tribunal (First-tier tribunal) (Property Chamber) Rules 2013, the tribunal corrects the Notice of the Tribunal Decision dated 17/01/2020 to read £728 per lunar month (thereby replacing the words per month).**

Signed: Judge Tagliavini

Dated: 4 February 2020

Rights of Appeal

1. If a party wishes to appeal 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 this case.

2. 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.
3. 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 each reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
4. 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.