



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

Case Reference : **LON/00AE/F77/2020/0206**

Property : **Flat A, 97 Walm Lane, London NW2
4QG**

Applicant : **Ms Margaret Saniford**

Representative : **N/A**

Respondent : **Network Homes**

Representative : **N/A**

Type of Application : **Determination of a fair rent under
section 70 of the Rent Act 1977**

Tribunal Members : **Tribunal Judge Brandler
Mr Shaw FICS**

Date of Decision : **28th February 2020**

Date of Reasons : **1st March 2020**

DECISION

The sum of £151.00 per week will be registered as the fair rent with effect from 28th February 2020.

FULL REASONS

Background

1. In an application dated 23rd September 2019 the landlord applied to the Rent Officer for a registration of the fair rent to £133.86 per week for the above property. The rent had previously been registered on 30th October 2017 by the Rent Officer at £136.00 per week but the Landlord charged only £125.34 per week. Mrs Sandiford's tenancy began on 8th August 1977. No tenancy agreement was available.
- 1.2 On 31st October 2019 the Rent Officer registered a fair rent of £151.00 per week with effect from the same day.
- 1.3 By a letter dated 17th November 2019 Mrs Sandiford objected to the rent determined by the Rent Officer and the objection was referred to the Tribunal.

Inspection

- 2.1 The Tribunal inspected the property on 28th February 2020 in the presence of Mrs Sandiford and her daughter and another person.
- 2.2 The property is a flat within a converted house. The flat is on the ground and first floors of the house. There is a communal entrance shared with one other property. The front door to the subject property leads into a large hallway. From there is access to a large living room a large kitchen and a bathroom recently decorated by the landlord.
- 2.3 The living room has a radiator at the front of the room under a UPVC window. The décor is well maintained and the property is very neat and tidy. Carpets and curtains are the tenant's own. The Tribunal was told that the tenant originally installed the boiler and radiators, but that these have since been renewed by the landlord.
- 2.4 The kitchen has recently had new cupboards installed by the landlord. All the white goods are the tenant's own. There is no radiator in the kitchen. There is a UPVC window.
- 2.5 From the vestibule inside the front door, a corridor leads through to the back of the house and another a large vestibule area with a UPVC back door to the garden. Further on, there is a double bedroom with a radiator and UPVC window. This looks out over a garden of approximately 40 foot. The tenant has sole use of this garden.

- 2.6 Leading back along the corridor is a staircase up to the rooms on the first floor. Upstairs the property has a double bedroom and a box room. That floor also benefits from a WC with a handbasin.

Evidence

- 3.1 Neither party requested a hearing. Therefore, this matter was considered on the papers and the Tribunal's own inspection.

3.2 Tenant's Representations:

These were made in a letter dated 17th November 2019 by Mrs Sandiford. We carefully noted all that was said.

3.3 Landlord's Representations:

The Landlord made no representations other than to say that they did not request a hearing.

The law

- 4.1 A summary of the law in respect of this case is attached to this decision.

Determination and Valuation

- 5.1 In the first instance the Tribunal determined what rent the landlord could reasonably be expected to obtain for the Property in the open market if it were let today in the condition that is considered usual for such an open market letting. The Tribunal considered the market in and around the area where the property is situated from its own general knowledge, rather than any specific knowledge of market rent levels in the area. No comparables were provided by the landlord. The Tribunal relied upon their expert knowledge and experience. The Tribunal concluded that an open market rent for a three bedroomed flat in the vicinity would be in the region of £460.00 per week. This level of rent assumes a property in a refurbished condition.

- 5.2 We need to consider any deduction to reflect terms and conditions, lack of radiator in the kitchen, tenant's own carpets, curtains and white goods, which we consider would have an adverse effect on the open market rent level. Taking these matters into account we consider that a reduction in the open market rent of 10%, fairly reflects these issues. This therefore reduces the open market rent to £414.00 per week.

- 5.3 Next we need to consider the issue of scarcity. We were not provided with any specific evidence on this issue. However, the issue of scarcity is considered on the basis of the number of properties available to let and also considering the demand for such properties and over a really large area. Therefore, using our general, rather than any specific

knowledge and experience, we consider that in the wide geographical area being the area around Greater London, there is an imbalance between supply and demand and this impacts upon rental values. Accordingly, we make a deduction of approximately 20% for scarcity. The full valuation is shown below.

	£/week
Market Rent	460.00
Less 10%	<u>46.00</u>
<i>To reflect: tenant's own carpets curtains and white goods, lack of radiator in kitchen and terms and conditions</i>	414.00
Scarcity 20%	<u>82.80</u>
	Fair rent £331.20
	Rounded down £331.00

Decision

6.1 The section 70 fair rent to be registered is the maximum fair rent as prescribed by the Rent Acts (Maximum Fair Rent) Order 1999. The rent that would otherwise have been registered was £331.00 per week. Details are provided on the back of the decision form.

Accordingly, the sum of £151.00 per week will be registered as the fair rent with effect from 28th February 2020 being the date of the Tribunal's decision.

D. Brandler

Tribunal Judge Brandler Date: 1st March 2020

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.