



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

**Case Reference** : **LON/00AQ/MNR/2019/159**

**Property** : **17 Greenwood Close, Harrow,  
Middlesex, HA1 2QN**

**Applicant** : **Mr B Tripurari**

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

**Respondent** : **Mr S Patel and Ms S Patel**

**Representative** : **Oyster Properties**

**Type of Application** : **Determination under Housing Act 1988,  
section 14**

**Tribunal Members** : **Tribunal Judge Richard Percival  
Mrs A Flynn MA MRICS**

**Date of Inspection and  
Hearing** : **14 February 2020**

**Issue of Reasons** : **9 June 2020**

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**REASONS**

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## **The application**

1. On 30 October 2019, the landlord served a notice under Housing Act 1988, section 13(2) proposing a new rent from 16 December 2019 of £1,300 per month, in place of the existing rent of £875 per month. On 6 December 2019, the tenant applied to the First Tier Tribunal (Property) for determination under Housing Act 1988 section 14.
2. The hearing and inspection took place on 14 February 2020, and the Tribunal made our decision on the same day. However, the Respondent's request for extended reasons was inadvertently overlooked by the judge (not the Tribunal's administration), as a result of which these reasons have been delayed. Most of the delay is attributable to the disruption caused by subsequent events relating to the coronavirus pandemic. The judge apologises to the parties for the delay.

## **The hearing**

3. At the hearing, the Applicant represented himself. The Respondent was represented by Ms Mepani of Oyster Properties.
4. Oyster Properties had produced, in advance of the hearing, 14 properties advertised to let or let which she said were comparable to the property, located within a quarter of a mile of it. The marketed rent ranged from £1,295 to £1,425. The most useful was the lowest, which was in Greenwood Close itself.
5. At the hearing, the Applicant provided two properties that he said were comparable. Both were in Harrow, marketed rent of £1,195 and £1,175. The Applicant argued that the appropriate starting point was £1,250.
6. We heard evidence from both parties in relation to the current state of the property and the Applicant's improvements. Ms Mepani accepted the Applicant's evidence about the kitchen and the white goods. We deal with the Tribunal's conclusions in relation to these matters as we found them on the inspection below.

## **Inspection**

7. The property was inspected on 14 February 2020, initially in the presence of Mr Tripurari's wife, and thereafter of Mr Tripurari.
8. The property is a self-contained flat situated on the first floor of a semi-detached property in a quiet residential road. Access is by a concrete external staircase. The brick wall at the bottom of the stair case appears to be in an unstable condition. The flat comprises three rooms, a kitchen and bathroom. It has central heating.
9. The PVC windows throughout suffered from misting. Some of the windows were also defective in that they could not be opened. The Applicant had been responsible for providing carpets and curtains in [both of] the bedrooms. The Applicant had also provided the laminate flooring in the bathroom. At some point, the tenant had replaced the kitchen units, and had also supplied the cooker, cooker hood and white goods.
10. The state of decoration throughout was tired.

## **The law**

11. Under the Housing Act 1988, section 14, the Tribunal must determine the rent that would be obtained in respect of the same property on a new letting on the open market by a willing landlord under an assured tenancy, on otherwise similar terms (other than rent) to the existing tenancy. The rent so determined must, however, disregard the effect on the rent of the granting of the tenancy to a sitting tenant; any increase in the value of the property as a result of improvements carried out by the tenant during the tenancy (or a previous tenancy), otherwise than as a result of his or her obligations to the landlord under the lease; or any reduction attributable to a failure to comply with such an obligation. The rent does not include a service charge, but does include sums payable for furniture or council tax.

## **Determination**

12. The Tribunal first assessed the market price that would be achieved for a new letting, in a condition that would be expected of the flat if it were to be marketed now.
13. The Tribunal took into account the comparables provided by the parties, and assessed the likely market price (in the condition provided above) with regard to the size and desirability of the flat in relation to the comparables. The Tribunal took account of our knowledge and experience of the market.
14. The Tribunal concluded that the appropriate starting point was a market rent in good condition and disregarding tenant's improvements to be £1,250 a month.
15. The Tribunal then took account of the condition of the flat, as compared with that to expected in a newly marketed flat in current conditions, and of the tenant's improvements.
16. In particular, and in addition to general decorative state, the Tribunal concluded that deductions should be made to reflect the improvements to the kitchen, the fact that the floor coverings, curtains and the white goods had been provided by the Tenants and the state of the windows. In the result, the Tribunal concluded that the starting point letting price should be reduced by 25%, resulting in an adjusted market rent of £937 with effect from 16 December 2019.

**Name:** Tribunal Judge Professor Richard Percival      **Date:** 9 June 2020