



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

Case Reference : **LON/00AN/F77/2021/0151
P:PAPERREMOTE**

Property : **31 Radipole Road Fulham London
SW6 5DN**

Applicant : **Ms S Cuthbertson**

Respondent : **BPT (Bradford Property Trust)
Limited**

Date of Application : **7 January 2021**

Type of Application : **Determination of the registered rent
under Section 70 Rent Act 1977**

Tribunal : **Mrs E Flint DMS FRICS**

**Date and venue of
hearing** : **25 May 2021
remote hearing on the papers**

DECISION

The registered rent with effect from 25 May 2021 is £800 per month.

This has been a hearing on the papers which has been consented to by the parties. The form of remote hearing was P:PAPERREMOTE, a paper determination which is not provisional. A face to face hearing was not held because it was not practicable and all the issues could be determined on the papers. The documents that I was referred to are in a bundle, the contents of which I have recorded.

Background

1. On 12 August 2020 the landlord applied to the rent officer for registration of a fair rent of £994.75 per month for the above property.
2. The rent payable at the date of the application was £865 per month which had been registered by the rent officer on 27 November 2018 with effect from the same date.
3. On 8 December 2020, the rent officer registered a fair rent of £938 per month with effect from the same date.
4. On 7 January 2021 the tenant objected to the registered rent.
5. Owing to the Covid 19 restrictions the parties were asked if they would consent to the application being dealt with on the papers. Neither party objected. Written representations were received from both the landlord and the tenant, the tenant provided a number of photographs to illustrate the condition of the flat.

The Evidence

6. The property which is situated in Fulham, is convenient for local facilities and transport. It comprises a ground floor flat in a converted three storey terraced house. The accommodation has three rooms, kitchen and bathroom/wc, and is centrally heated.
7. The tenant stated that the property is in poor repair. The flat roof over one of the bedrooms requires replacement: a large area of ceiling, approximately 6 feet wide, has collapsed and been temporarily patched with a piece of plasterboard. The bedroom is damp and mouldy.
8. The flat was let without double glazing, central heating, carpets, curtains or white goods.
9. The landlord confirmed that the flat roof at the rear of the property requires renewal: it is the subject of an insurance claim.

Valuation

10. 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. As neither party provided any comparable open market rental evidence the Tribunal relied on its own general knowledge of market rent levels in Fulham and surrounding areas. Having done so, it concluded that the likely market rent for the house would be £1500 per month.

11. However, it was first necessary to adjust the hypothetical rent of £1500 per month to allow for the differences between the terms and condition considered usual for such a letting and the condition of the actual property at the valuation date, ignoring any tenant's improvements, (disregarding the effect of any disrepair or other defect attributable to the tenant or any predecessor in title). The Tribunal noted that properties available on the open market were generally modern or modernised, with white goods, floor and window coverings. The Tribunal considered that these differences and the terms and conditions of the tenancy required a deduction of £300 per month plus poor standard of repair a further £200 per month.
12. This leaves an adjusted market rent for the subject property of £1000 per month. The Tribunal was of the opinion that there was substantial scarcity in London for similar properties and therefore made a deduction of approximately 20% from the market rent to reflect this element. The Tribunal's uncapped fair rent is £800 per month.

Decision

13. The uncapped fair rent initially determined by the Tribunal, for the purposes of section 70, was accordingly £800 per month.
13. This is below the maximum fair rent that can be registered by virtue of the Rent Acts (Maximum Fair Rent) Order 1999 (Details are provided on the back of the decision form).
14. **Accordingly the sum of £800 per month will be registered as the fair rent with effect from 25 May 2021 being the date of the Tribunal's decision.**

Chairman: Evelyn Flint

Dated: 27 May 2021

ANNEX - RIGHTS OF APPEAL

- i. 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 the case.
- ii. 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.
- iii. 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.

- iv. 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.

