



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

Case Reference : **JM/LON/00AU/F77/2021/0241**

HMCTS code : **P: PAPERREMOTE**

Property : **Flat 1, 11 Francis Terrace, London, N19
5PY**

Landlord : **Loromah Estates Ltd**

Representative : **In House**

Tenant : **Mr Phillip Richards**

Representative : **In Person**

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

Tribunal Members : **Mr Anthony Harris LLM FRICS FCI Arb**

**Date of Decision
and reasons** : **29 September 2021**

**Date of this
decision** : **23 November 2021**

REASONS

Covid-19 pandemic: description of hearing

This has been a remote hearing on the papers. The form of remote hearing was P:PAPERREMOTE. The Directions dated 30 July 2021 set out that the tribunal was not able to hold face to face hearings or carry out internal inspections. The decision made is described at the end of these reasons.

Decision of the tribunal

The tribunal sets aside its decision 29 September 2021

Background

1. On 20 January 2021, the Landlord applied for registration of a fair rent of £1110.00 per month.
2. The Rent Officer registered a rent of £1050.00 per month. The rent was registered on 28 June 2021 and is effective from 1 August 2021. The rent was the s70 rent which was below the capped rent.
3. Accommodation is a self-contained converted flat on the lower ground floor with central heating consisting of 1 room, living room/kitchen, bathroom/WC.
4. The previous registered rent was £1040.00 per quarter and was registered on 1 August 2019 and effective from the same date. The rent registration was after a full refurbishment by the landlord and rent capping did not apply.
5. The landlord objected to the registered rent by letter dated 20 July 2021 and the matter was referred to the tribunal.
6. On 30 April 2021, the tribunal issued Directions for proceeding by written representations.
7. On 6 August 2021 the Tenant requested a postponement of the case as he was in hospital and unable to deal with the case. He also requested that correspondence be sent by post as he did not have access to a computer.
8. The tribunal responded on 15 September by email requesting documentary evidence in support of the request.
9. Also, on 15 September the Landlord emailed to say they had no objection to a 1-month postponement without medical evidence if it would assist the tenant.

10. The tribunal dealt with the case on 29 September 2021 but the member had not seen the correspondence.
11. Medical evidence was received on 1 October.
12. Under Rule 51 of the Tribunal Rules, it has the power to set aside a decision if it is in the interests of justice to do so if one or more of the conditions in Rule 51(2) are satisfied

The conditions are
 - (b) A document relating to the proceedings was not sent to or was not received by the tribunal at an appropriate time
 - (c) A party or a party's representative was not present at a hearing related to the proceedings or
 - (d) There has been some other procedural irregularity in the proceedings.
13. The tribunal is satisfied that that in the interests of justice it is appropriate to set aside the decision and relist it as the tenant was unable to participate in the case, a document, the medical evidence was not received by the tribunal in time and the non-availability of all the correspondence to the sitting member amounts to a procedural irregularity.
14. Directions are attached for relisting of the case.

**Anthony Harris LLM FRICS FCIArb
Valuer Chair**

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.