



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

**Case Reference** : **JM/LON/00AE/F77/2022/0265  
P:PAPERREMOTE**

**Property** : **10A St Johns Avenue London NW10  
4EE**

**Applicant** : **Ms Ida Lewis**

**Respondent** : **Leaside Properties Limited**

**Date of Application** : **14 November 2022**

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

**Tribunal** : **Mrs E Flint FRICS  
Mr A Ring**

**Date and venue of  
Hearing** : **20 February 2023  
10 Alfred Place London WC1E 7LR**

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**DECISION**

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This has been a hearing on the papers which has been consented to by the tenant and not objected to by the landlord. A face to face hearing was not held because it was not practicable and no-one requested one. The documents that we were referred to were in an electronic bundle the contents of which we have recorded.

The registered rent with effect from 20 February 2023 is £20 per week.

## **Background**

1. On 28 July 2022 the landlord applied to the rent officer for registration of a fair rent of £175 per week for the above property.
2. The registered rent at the date of the application was £143 per week which had been registered by the tribunal on 23 October 2020 with effect from the same date.
3. On 16 September 2022, the rent officer registered a fair rent of £170 per week with effect from 23 October 2022.
4. On 14 November 2022 the tenant objected to the registered rent stating that the ceilings in three rooms had collapsed.
5. The tribunal issued Directions on 29 November 2022. No written representations were received from the tenant nor from or on behalf of the landlord.

## **The Inspection**

6. The property is a two storey plus loft conversion mid Victorian terraced house converted to three flats in a residential area approximately a third of a mile from bus stops and local shops.
7. Externally the property was in poor decorative order, there were cracks in the bay above the window and the single glazed sash windows to the front were in poor condition.
8. The common parts comprised a small entrance lobby. A glazed partition separated the ground floor flat from the staircase leading to the flats above.
9. The subject premises are on the ground floor and comprise two rooms, kitchen and bathroom/wc. The front living room had a gas fire. The ceilings in the bedroom, kitchen and bathroom/wc had partially collapsed. The kitchen was unmodernised with a single drainer sink unit with base unit below and some open shelving, French doors opened into the rear garden. There was a gas fired boiler providing hot water only. The bathroom was unmodernised with old, worn sanitary ware, a number of wall tiles were missing. The floors throughout the flat were a mixture of floorboards and concrete.
10. Apart from the gas fire the flat was unheated. The condition of the ceilings together with the poor windows resulted in the flat not being fit for human habitation.

## **The Law**

11. When determining a fair rent the tribunal, in accordance with section 70 of the Rent Act 1977, must have regard to all the circumstances

including the age, location and state of repair of the property. It also must disregard the effect of any relevant tenant's improvements and the effect of any disrepair or any other defect attributable to the tenant or any predecessor in title under the regulated tenancy, on the rental value of the property. The Tribunal is unable to take into account the tenant's personal circumstances when assessing the fair rent.

12. In *Spath Holme Ltd v Chairman of the Greater Manchester etc Committee* (1995) 28 HLR 107 and *Curtis v London Rent Assessment Committee* (1999) QB 92 the Court of appeal emphasised:

That ordinarily a fair rent is the market rent for the property discounted for scarcity i.e. that element, if any, of the market rent, that is attributable to there being a significant shortage of similar properties in the wider locality available for letting on similar terms to that of a regulated tenancy, and

That for the purposes of determining the market rent, assured tenancy market rents are usually appropriate comparables; adjusted as necessary to reflect any relevant differences between the comparables and the subject property.

## **Valuation**

13. In the first instance the Tribunal would usually determine 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 and on the terms that is considered usual for such an open market letting. However, in this instance the tribunal determined that such an approach was not appropriate because the condition of the property was such that it was only suitable to be used for poor quality storage.
14. The tribunal determines that the rental value of the flat, being accessed by a narrow corridor with significant parts of the ceiling in all but the front room having collapsed was £20 per week.

## **Decision**

15. The uncapped fair rent initially determined by the Tribunal, for the purposes of section 70, was accordingly £20 per week. This is below the maximum fair rent of £183 per week calculated under the Rent Acts (Maximum Fair Rent) Order 1999.
19. Accordingly, the sum of £20 per week will be registered as the fair rent with effect from 20 February 2023 being the date of the Tribunal's decision.

*Chairman: Evelyn Flint*

Dated: 20 February 2023

**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.

