



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

Case Reference : **CAM/22UH/F77/2023/0003
P:PAPERREMOTE**

Property : **10 Griffin Wood Cottages High Road
Epping CM16 4DH**

Applicant : **Mr K P Hunt**

Respondent : **Tele-Land Investments Limited**

Date of Application : **9 December 2022**

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

Tribunal : **Mrs E Flint FRICS**

**Date and venue of
Hearing** : **6 April 2023
remote on the papers after an
inspection**

DECISION

This has been a hearing on the papers which has been consented to by the parties. A face to face hearing was not held because it was not practicable, no-one requested the same. 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 6 April 2023 is £250 per week.

Background

1. On 3 October 2022 the landlord applied to the rent officer for registration of a fair rent of £250 per week for the above property.
2. The registered rent at the date of the application was £218.50 per week which had been registered by the rent officer on 8 December 2020 with effect from 11 December 2020.
3. On 24 November 2022, the rent officer registered a fair rent of £260 per week with effect from 11 December 2022.
4. On 9 December 2022 the tenant objected to the registered rent.
5. The tribunal issued Directions on 18 January 2023. The tenant made written representations supported by a number of photographs. No written representations were received either from or on behalf of the landlord; although both the landlord and tenant had made representations to the rent officer which were copied to the tribunal.

The Inspection

6. I inspected the property on the morning of 6 April 2023 in the presence of the tenant. The property is a semi-detached house in a row of twelve cottages on the edge of the Griffin Wood Estate situated on a busy main road close to bus stops; Epping underground station is approximately 1.2 miles distant, the town centre is a similar distance.
7. The house is approached through broken and dilapidated wooden gates which lead onto a gravelled parking area. A wrought iron gate leads into the front garden. The house is brick with areas of pebbledash with a tiled roof. There were a few slipped tiles on the ground floor canopy otherwise the house is in fair condition.
8. The accommodation comprises two small living rooms, kitchen, and wc on the ground floor and three small bedrooms and bathroom/wc on the first floor. The house is centrally heated and the windows are Upvc double glazed units. The front and back doors are both timber and ill fitting. The rooms are all of a modest size with the staircase running through the centre of the house. The bathroom and ground floor wc were both gloomy rooms. The kitchen provided a limited number of fitted units. The white goods, including the oven and hob were provided by the tenant.
9. A door from the kitchen led out to the rear garden which looked onto fields. The fencing to the rear was in poor condition, that between Numbers 9 and 10 was in good condition. The tenant had provided two sheds near to the house; a further two dilapidated sheds towards the rear of the garden were the landlord's.
10. The evidence
11. The tenant stated that the front and back doors were draughty. Draught excluder strips helped, but only to a degree. The garden fences at the rear had blown down in February 2022. The fences to

neighbouring property (No.9) had been replaced by the landlord, his had not. Number 12 had been empty for a number of years.

12. On behalf of the landlord the rent officer was advised that a contractor would visit to inspect the fences. The landlord had let four properties on the estate since 2017: on each occasion there had been considerable interest.

The Law

13. 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.
14. 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

15. In the first instance I 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 and on the terms that is considered usual for such an open market letting. I relied its own general knowledge of rental values in Epping and surrounding areas as neither the tenant nor the landlord had provided any comparable rental evidence and concluded that the likely market rent for the property would be £400 per week.
16. However, it was first necessary to adjust the hypothetical rent of £400 per week 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). I determined that the hypothetical rent should be reduced by £100 to reflect the difference in the terms of the tenancy, dated kitchenette and bath, general external appearance and condition of the boundaries and the lack of carpets,

curtains and white goods which are usually provided on the open market.

17. This leaves an adjusted market rent for the subject property of £300 per week. The tribunal was of the opinion that there was substantial scarcity for similar properties on the outskirts of Greater London served by the underground and also with easy access to the M11 and therefore made a deduction of approximately 15% from the adjusted market rent to reflect this element. The tribunal's uncapped fair rent is £250 per week.

Decision

18. The uncapped fair rent initially determined by the tribunal, for the purposes of section 70, was accordingly £250 per week. This is below the maximum fair rent of £281 per week calculated under the Rent Acts (Maximum Fair Rent) Order 1999.
19. Accordingly, the sum of £250 per week will be registered as the fair rent with effect from 6 April 2023 being the date of the tribunal's decision.

Chairman: Evelyn Flint

Dated: 6 April 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.

