



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

Case Reference : **HS/LON/00AE/F77/2023/0249**

Property : **First Floor , 40 Melrose Avenue,
London , NW2 4JS**

Tenant : **Mr & Mrs J O'Leary**

Landlord : **G Coren**

Date of Objection : **28 August 2023**

Type of Application : **Rent Act 1977 Schedule 11**

Tribunal : **Ian B Holdsworth FRICS**
RICS Registered Valuer 079475

**Date of Summary
Reasons** : **15 November 2023**

DECISION

The sum of £208.50 per week will be registered as the fair rent with effect from 15 November 2023, being the date the Tribunal made the Decision.

SUMMARY REASONS

Background

1. Following an objection from the Tenant to the determination of a fair rent by the Rent Officer, the Tribunal has made a determination under the provisions of the Rent Act 1977.

Inspection

2. The Tribunal did not inspect the property but considered this case on the basis of the papers provided by the parties.

Evidence

3. There were written submissions from the landlord but none from the tenant.

Determination and Valuation

4. Having consideration of our own expert, general knowledge of rental values in the area, we consider that the open market rent for the property in a satisfactory condition would be in the region of £375.00 per week. From this level of rent we have made adjustments to reflect any tenant improvements, disrepair and obsolescence at the property. Details of the adjustments made are shown in the valuation table below.

5. The Tribunal has also made an adjustment for scarcity.

6. The full rental valuation is shown below:

Property: First Floor , 40 Melrose Avenue, London , NW2 4JS			
Fair rent calculation in accordance with s(70) Rent Act 1977			
Market rent		£375.00 per week	
Disregards		Deduction per week	as % of rent per week
Carpets , curtains white, goods, soft furnishing		£28.13	7.50%
Internal decoration liability		£18.75	5.00%
Dilapidations and obsolescence		Deduction per week	as % of rent per week
Leak from defective flashing		£28.13	7.50%
Improvements undertaken by tenant		Deduction per week	as % of rent per week
None advised			
	Total deductions	£75.00	20.00%
	Adjusted Rent balance	£300.00	
Less Scarcity 20.00%		£60.00	
Adjusted Market Rent		£240.00	per week
			Uncapped rent
Capped rent in accordance with <i>Rent Acts (Maximum Fair Rent) Order 1999</i>		£ 208.50	per week
			Capped rent

7. The Tribunal determines a rent of £208.50 per week.

Decision

8. The uncapped fair rent initially determined by the Tribunal, for the purposes of section 70, was £240.00 per week. The capped rent for the property according to the provisions of the Rent Acts (Maximum Fair Rent) Order 1999 is calculated at £208.50 per week. The calculation of the capped rent is shown on the decision form. In this case the lower rent of **£208.50 per** week is to be registered as the fair rent for this property.

Chairman: Ian B Holdsworth

Date: 15 November 2023

APPEAL PROVISIONS

You can only appeal this determination if the First-tier Tribunal decision was wrong on one or more points of law and you must say why the First-tier Tribunal was wrong in law.

These summary reasons are provided to give the parties an indication as to how the Tribunal made its decision. If either party wishes to appeal this decision, they should first make a request for full reasons and the details of how to appeal will be set out in the full reasons. Any subsequent application for permission to appeal should be made on Form RP PTA