



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

Case Reference : **TR/LON/00AE/F77/2023/0286**

Property : **45a Brondesbury Villas, London,
NW6 6AJ**

Tenant : **Mr Martin Downing**

Landlord : **Notting Hill Genesis**

Date of Objection : **28 August 2023**

Type of Application : **Rent Act 1977**

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

**Date of Summary
Reasons** : **12 December 2023**

DECISION

The sum of £445 per week will be registered as the fair rent with effect from 11 December 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 and hearing

2. The Tribunal held a video hearing and then inspected the property. Mr Downing attended the hearing and the inspection. The Tribunal considered this case on the basis of the papers provided by the Rent Officer and the parties, inspection and oral submissions at hearing.

Evidence

3. There were written submissions 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 £675 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 Landlord has installed timber framed double glazed windows to this property since the last registration. This window installation was visible at inspection and the date of the works was confirmed by Mr Downing. This is a material improvement to the dwelling and it is the opinion of the Tribunal that following completion of these works the property would achieve a higher rent. The Tribunal are told the previous window fittings were aged and damaged timber frames fitted with single glazing.

6. The Tribunal carefully considered the likely impact on rental value of the window improvement and deemed it would lead to a greater than 15% increase in achievable rent. Landlord improvements to a property that result in a 15% or more increase in rental value release the dwelling from the capping provisions of the Rent Act 1977 and the Rent Acts (Maximum Fair Rent) Order 1999. Any rent increase is therefore not limited to an increase of 5% plus RPI.

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

6. The full rental valuation is shown below. Details of the rental value **with and without double glazing** is provided:

Property: 45 Brondesbury Villas NW6 6AJ			
With Double Glazing			
Fair rent calculation in accordance with s(70) Rent Act 1977			
Market rent		£675.00	per week
Disregards		Deduction per week	as % of rent per week
Carpets , curtains white, goods, soft furnishing		£33.75	5.00%
Internal decoration liability		£33.75	5.00%
Dilapidations and obsolescence		Deduction per week	as % of rent per week
Internal wall surfaces affected by penetrating water		£33.75	5.00%
Damage to under front stairs		£16.88	2.50%
Improvements undertaken by tenant		Deduction per week	as % of rent per week
None advised			
	Total deductions	£118.13	17.50%
	Adjusted Rent balance	£556.88	
Less Scarcity 20.00%		£111.38	
Adjusted Market Rent		£445.50	per week
			Uncapped rent
Capped rent in accordance with <i>Rent Acts (Maximum Fair Rent) Order 1999</i>		£ 212.00	per week
			Capped rent

Property: 45 Brondesbury Villas NW6 6AJ			
No Double Glazing			
Fair rent calculation in accordance with s(70) Rent Act 1977			
Market rent		£675.00	per week
Disregards		Deduction per week	as % of rent per week
Carpets , curtains white, goods, soft furnishing		£33.75	5.00%
Internal decoration liability		£33.75	5.00%
Dilapidations and obsolescence		Deduction per week	as % of rent per week
Internal wall surfaces affected by penetrating water		£33.75	5.00%
Damage to under front stairs		£16.88	2.50%
Poor thermal efficiency due to poor glazing and solid walls		£84.38	12.50%
Improvements undertaken by tenant		Deduction per week	as % of rent per week
None advised			
	Total deductions	£202.50	30.00%
	Adjusted Rent balance	£472.50	
Less Scarcity 20.00%		£94.50	
Adjusted Market Rent		£378.00	per week
			Uncapped rent
Capped rent in accordance with <i>Rent Acts (Maximum Fair Rent) Order 1999</i>		£ 212.00	per week
			Capped rent

7. The Tribunal determines a rent of £ 445 per week.

Decision

8. The uncapped fair rent determined by the Tribunal [following the window???, for the purposes of section 70, was £445 per week. The capped rent for the property according to the provisions of the Rent Acts (Maximum Fair Rent) Order 1999 do not apply. In this case the rent of £445 per week is to be registered as the fair rent for this property.

Chairman: Ian B Holdsworth

Date: 12 December 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