



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

Case Reference : **LON/00AW/F77/2023/0369**

Property : **Flat 28, Falkland House, Marloes Road, W8 5LF**

Tenant : **Sultanali Kassam**

Landlord : **Northumberland and Durham Property Trust Ltd**

Date of Objection : **Landlord Objection (11 October 2023)**

Type of Application : **Section 70, Rent Act 1977**

Tribunal : **Tribunal Judge MacQueen
Tribunal Member Ridgeway, MRICS**

Date of Summary Reasons : **18 January 2024**

DECISION

The sum of £3 178.82 per calendar month will be registered as the fair rent with effect from 18 January 2024, being the date the Tribunal made the Decision.

SUMMARY REASONS

Background

1. Following an objection from the Landlord 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 no written submissions from the parties. The Tribunal considered the documents that had been sent by the Valuation Office Agency.

Determination and Valuation

4. This is a self-contained flat in a purpose built Victorian mansion block. The accommodation is comprised of 4 rooms, a kitchen, bathroom and a w.c. and central heating. The tenant provided some evidence that two radiators were not working, that two windows were in poor order with rot and gas cooker was not working correctly.
5. 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 the condition and with the amenities the market would expect to be in the region of £4700 per calendar month.
6. This hypothetical rent is adjusted as necessary to allow for the differences between the terms and conditions considered usual for such a letting in today's market and the condition of the actual property at the date of the determination under the Rent Act 1977. Any rental benefit derived from Tenant's improvements is disregarded.
7. The following deductions were made:

Windows in poor order and no double glazing	5%
Cooker not working properly	5%
Central heating only partially working	5%
Carpets & Curtains	5%

No decorating & Internal repairing obligations on the landlord 5%

Total 25%

8. A further deduction for Scarcity of 20% was then made to reach an uncapped Fair Rent for the purposes of s.70. An addition of £418.82 for monthly service charge has been made giving a final uncapped rent of £3,178.82 per calendar month.

Decision

9. The capped rent for the property according to the provisions of the Rent Acts (Maximum Fair Rent) Order 1999 is calculated at £3799.32. The calculation of the capped rent is shown on the decision form. In this case, the lower rent of £3178.82 per calendar month is to be registered as the fair rent for this property.
10. The Tribunal determines a rent of £3178.82 per calendar month.

Chairman: Judge MacQueen

Date: 18 January 2024

APPEAL PROVISIONS

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