



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

**Case Reference** : **LON/00AC/MNR/2023/0334**

**Property** : **16 Sinclair Grove, London, NW11 9JG**

**Tenant** : **Mr Volvi Peretz & Mrs Tsipora Peretz**

**Landlord** : **Sabeno Ltd**

**Representative** : **Greatglen Estates Ltd**

**Date of Objection** : **25 July 2023**

**Type of Application** : **Determination of a Market Rent sections 13  
& 14 of the Housing Act 1988**

**Tribunal** : **Ian B Holdsworth FRICS MCI Arb  
Alan Ring**

**Date of Summary  
Reasons** : **11 January 2024**

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**DECISION**

**The Tribunal determines a rent of £2,100 per calendar month with effect from 28<sup>th</sup> July 2023.**

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## **SUMMARY REASONS**

### **Background**

1. On 23 June 2023 the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £2,800 in place of the existing rent of £1,733.33 per month to take effect from 28 July 2023.
2. On 25 July 2023 under Section 13(4)(a) of the Housing Act 1988, the Tenant referred the Landlord's notice proposing a new rent to the Tribunal for determination of a market rent.

### **Inspection and hearing**

3. A video hearing was held on 11 January at which Mr Peretz attended and made submissions. Mr Steinberg and Mr Dome represented the agents Greatglen Estates Ltd. Mr Andrew Cohen MRICS provided Expert Evidence on the property on behalf of the Respondent landlord.
4. Mr Peretz described the defects at the property and provided evidence of the improvements undertaken by him during the tenancy of the property. He did not offer any comparable market rental evidence.
5. Mr Steinberg alleged that over the last 10 months or so the tenant had not permitted access to the dwelling by property maintenance staff. He claimed this was a primary cause of the dilapidation. He also claimed some of the disrepair was the result of damage caused by the tenant during their 16 or so year residency.
6. Mr Cohen MRICS told the Tribunal his report dated 10 January 2024 was compiled following a drive-by inspection of the property and he had no internal access. Mr Steinberg relied upon Mr Cohen to provide relevant comparable market rental evidence. Three comparable transactions were offered with settlements in the range £3,200 to £2,600 per month. When questioned by Tribunal about the most appropriate comparable to rely upon in undertaking his rental valuation he said the rent achieved for 46 Gainsborough Road in October 2023 at £2,900 per month was the best match for the property. He confirmed that his opinion of rental value for 16 Sinclair Grove at £2,800 per month was made after taking a wholistic view of the property. He had not made specific and discrete adjustments to reflect any differences in condition, size, location or defects between the comparable transaction properties and the property.
7. The Tribunal carried out an inspection of the property on 11 January after the conclusion of the hearing. The tenant attended the inspection but did not grant permission for attendance by the landlord or their agents.

### **Evidence**

8. The Tribunal has had consideration of the written and oral submissions provided by the Tenant, the Landlord's agent and Expert in their determination of the rent payable.

**Determination and Valuation**

9. Having consideration of the comparable evidence proved by the Expert Valuer and of our own expert, general knowledge of rental values in the area, we consider that the open market rent for the property in its current condition would be in the region of £2,900 per calendar month. From this level of rent we have made adjustments to reflect tenant improvements, tenant furniture and floor coverings, any dilapidation and obsolescence at the property.

10. The full valuation is shown below:

<b>16 Sinclair Grove London NW11 9JG</b>				
<i>Market rent calculation in accordance with Housing Act 1988 Section 13</i>				
Market rent		£2,900.00	per month	
<b>Disregards</b>			Deduction per month	Deduction as %
Furnished by tenant			£145.00	5.00%
Bedroom flooring			£72.50	2.50%
<b>Dilapidations/Material rental matters</b>				
Derelict garage			£72.50	2.50%
Leaking bathroom outlet and damaged pipework			£145.00	5.00%
Defective roof tiles			£145.00	5.00%
External fractures to all elevations			£72.50	2.50%
Failing window frames, glazing and external joinery			£145.00	5.00%
	Adjustment total		£797.50	27.50%
Adjusted Market Rent			£2,102.50	per month
	say		£2,100.00	per month

## **Decision**

11. The Tribunal therefore determined that the rent at which the subject property in present condition might reasonably be expected to be let in the open market by a willing Landlord under an assured tenancy was **£2,100** per calendar month.

12. The Tribunal directed the new rent of **£2,100** to take effect on **28 July 2023**. This being the date as set out in the Landlord's Notice of Increase.

**Chairman: Ian B Holdsworth Date: 11 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.

**You can only appeal 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.**