



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

**Case reference** : **LON/00AT/F77/2023/0327**

**Property** : **Second Floor Flat, 29 Ennismore  
Avenue, London, W4 1SE**

**Tenant** : **Mr Mahmoud Chaer**

**Landlord** : **Abbeville Properties Ltd**

**Date of objection** :

**Type of application** : **Determination of Fair Rent under  
Schedule 11 of the Rent Act 1977**

**Tribunal members** : **Judge H. Lumby  
Mrs S Phillips MRICS**

**Venue** : **10 Alfred Place, London WC1E 7LR**

**Date of decision** : **21 February 2024**

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**WRITTEN REASONS**

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## **Decisions of the Tribunal**

The Tribunal determines that the fair rent of the Property is £456 per calendar month with effect from 21 February 2024.

## **Written reasons**

### **Background**

1. The Property is subject to a lease protected by Schedule 11 of the Rent Act 1977. The effect of this Act is that there is a maximum rent set for the Property, calculated by reference to a formula. If the fair rent calculated by reference to open market rents is in excess of that maximum rent, then the maximum rent will apply. If it is below the maximum, then the lower fair rent will apply. It is however open to landlords to charge a lower rent than the maximum rent and indeed they may have to as a result of separate caps on increases.
2. The lease of the Property dates from 9 March 1985 with a current rent of £270 per month. The rent does not include any element for services.
3. The maximum fair rent has not previously been assessed in relation to the Property. The Landlord applied to register a new fair rent of £600 per month on 27 June 2023. This was passed to the Valuation Office Agency who on 23 August 2023 registered a fair rent of £533 per month.
4. The Tenant objected to this assessment on 20 September 2023 which was as a result referred to the Tribunal for determination.
5. The Tribunal did not inspect the Property as neither party requested an inspection and the Tribunal considered that it could make its determination without seeing the Property, based on the parties' submissions.
6. The Tribunal has issued its notice of determination today. That determination contains the calculation of the maximum fair rent, using the prescribed formula. These are the reasons for its determination.

### **Property**

7. The Property comprises a second floor flat, comprising a reception room, bedroom, kitchen and a bathroom/WC. The Tenant states that central heating was provided by him as well as the WC in the Property. Some carpets and white goods are provided by the Landlord but not double glazing (the Landlord states that this is to be installed). The Property does not come with parking or any external space.

8. The Tenant has raised some general issues with the condition of the Property. He has cited as evidence a report by the London Borough of Hounslow who were at that point satisfied that the Property was unfit for human habitation. He refers to items of disrepair that he has addressed himself, including damp walls, ceilings falling apart and leaking, old piping causing leakages, rotten carpet, an old boiler and old windows. All of these bar the windows have been addressed by the Tenant. The Landlord has stated that the windows will be replaced by it. The Tribunal has taken the Property's condition and the works carried out by the Tenant into account in reaching its determination.
9. The Landlord does not provide any services as part of the rent. Its responsibility for repair reflects the duties imposed on landlords by section 11 of the Landlord and Tenant Act 1985. In practice, the Tenant has repaired the Property and its amenities.

### **Comparables and market rent assessment**

10. The Landlord has provided a number of comparables which have been considered by the Tribunal. In addition, the Tribunal considered a number of comparables in the close vicinity of the Property. These had all been let with the information relied upon all freely available on the internet. The Tribunal had no private knowledge which it took into account in reaching its determination.
11. Based on these comparables, the Tribunal has assessed that the open market rent of the Property in full repair is £1,900 per calendar month. The Tribunal has deducted 70% from this figure to reflect the Tenant's repair liability, the general improvements carried out by the Tenant including the installation of central heating and power points, the Tenant's improvements to the kitchen and bathroom/WC, the lack of floor coverings, carpets and white goods and the windows disrepair. It has then deducted a further 20% from the resultant figure for scarcity. This gives a market rent of £456 per calendar month.
12. In reaching this figure, the Tribunal is cognisant of the comment by the Rent Officer that without the work undertaken by the Tenant, the flat would not be habitable, a statement backed up by the earlier assessment by the London Borough of Hounslow.

### **Maximum Rent**

13. The Tribunal next considered the maximum rent pursuant to the Rent Acts (Maximum Fair Rent) Order 1999. This requires the Tribunal to follow a prescribed formula to generate an uplift to the last registered fair rent. In this case, this is the first registration so the rental figure taken into account is the original rent of £270 per calendar month. That

formula is set out in the Notice of Determination issued by the Tribunal today.

14. Applying that formula gave a maximum rent figure as at today's date of £1,075.50 per calendar month.

**Decision**

15. As the maximum rent figure of £1,075.50 is higher than the calculated rent figure of £456 per month, the Tribunal determines that the fair rent is £456 per calendar month.

**Name:** Tribunal Judge Lumby      **Date:** 21 February 2024

## **Rights of appeal**

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have. 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.

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. 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. 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.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).