



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

Case Reference : **LON/00AP/MNR/2023/0309**

Hearing Type : **By Way of Written Representations**

Property : **119 Napier Road Tottenham London N17 6YR**

Applicant : **Miss A Onikoyi (Tenant)**

Respondent : **Homes for Haringey (Landlord)**

Type of Application : **Referral in respect of Market Rent under Section 13 of the Housing Act 1988**

Tribunal Member : **Mr John A Naylor FRICS, FIRPM
Valuer Chairman**

Date of Hearing : **10 June 2024**

Date of Full Reasons : **13 June 2024**

FULL REASONS

REASONS

Background

1. On 5 June 2023 the landlord served notice under Section 13(2) of the Housing Act 1988 proposing an increase in the rent of the above property from the passing rent of £330.41 per week to £363.76 per week commencing 10th July 2023
2. The tenant subsequently made an application to the Tribunal received 7 July 2023.
3. On 18th July 2023 the Tribunal issued directions to the parties. These required the landlord to provide details of evidence on which they wished to rely by way of reply by 8 August 2023. The tenant was directed to do the same by 22 August 2023 and the landlord was given until 29th August 2023 for his response thereto.
4. No evidence was received from the landlord.
5. The tenant wrote to the Tribunal on 13 August 2023 advising of a number of defects relating to the property.
6. These included rodent infestation, insecure and rotten doors and windows, evidence of cracks to ceiling and flaking paintwork as well as antiquated fixtures and fittings within the bathroom suite.
7. These elements were supported by way of photographic evidence.
8. In addition, an expert's report provided by Sawcon dated 3 December 2021 was also provided by way of supporting evidence.
9. The tenant referred to the recent increases in bank rate and stated that in their opinion the rent should be fair and affordable and not a market rent. The tenant advised that the poor condition of the property had affected their health.

Valuation

10. The Tribunal noted the fact that the report provided by Sawcon was dated 3rd December 2021 predating the current application by some time and as such it was thought to provide little assistance in assessing the current rent . That said further evidence was given by the tenant relating to the condition of the property and this was not challenged nor refuted by the landlord .

11. Following consideration of the written and photographic submissions and using the Tribunal's own knowledge and experience of the rental market within the London area, the Tribunal finds that the open market rental value of the property if it was in good condition would be £2,300 per calendar month.

12. Taking into account the lack of modernisation and general disrepair, the Tribunal considers it necessary to adjust that open market rental value to reflect specifically the following:
 - (a) the condition of the doors and windows;
 - (b) the decorative condition in some elements of the property;
 - (c) the lack of modernisation to the bathroom;
 - (d) the evidence of damp and defective plaster and
 - (e) rodent infestation.

13. Taking these matters into consideration as well as other more general factors, the Tribunal finds that it is necessary to make a 30% deduction in the rental value of the property to reflect its condition and lack of modernisation.

14.

Valuation Calculation

Open market rent -	£2,300.00 pm
Deduction for adjustments detailed above 30%	£ 690.00 pm

Adjusted rent	£1,610.00 pm
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Weekly equivalent of rent	£ 371.54 per week
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15. The tribunal therefore determines that the market rental value of the property should be set at **£371.54 per week** .

Name: Mr J A Naylor FRICS FIRPM Valuer Chairman

Date: 13 June 2024

ANNEX – 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 might 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 this 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. Any appeal in respect of the Housing Act 1988 should be on a point of law.

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