



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

Case Reference : **MM/LON/00AE/MNR/2023/0283**

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

Property : **FT 18 Farrens Court, Northwick Ave , HA3 0AT**

Applicant : **Deepti Nayee (Tenant)**

Respondent : **Eela Haria (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 19 June 2023 the landlord served a 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 £1,400 per month to £1,650 per month commencing 28th July 2023.
2. On 23rd June 2023 the tenant made an application to the Tribunal for the determination of a market rent.
3. On 7 July 2023 the Tribunal issued directions. These required the landlord to provide details of evidence on which they wished to rely by way of reply by 28 July 2023. The tenant was directed to do the same by 11 August 2023 and the landlord was given until 18 August 2023 for his response thereto.
4. The tenancy began on 28 October 2017.
5. Both the landlord and the tenant have confirmed that the property has the benefit of a parking space and use of a communal garden.
6. Both also confirm that a new bathroom was fitted in May 2021, new carpets in the lounge and bedroom in 2021, with wardrobes provided in the larger bedroom in May 2021 and a new bed provided in August 2022.
7. The tenant states however that generally, repairs are not completed in a timely fashion.
8. The Tribunal has had sight of an advice note from Timothy Jones undated and a witness statement from the tenants prepared for a previous court case and dated 16th September 2022 . These suggest that there have been a number of disrepairs affecting the property between 2018 and 2022. But do not necessarily provide details of the current condition. It is noted however that the tenant continues to report draughty floors a temperamental boiler and mould in some areas of the property. No evidence of this is given .
9. The tenant states that a typical flat in Farrans Court will obtain no more than £1,395 per calendar month and provides details of a two-bedroom flat although it was noted that these details do not contain any information on when or where the property was marketed.

10. The landlord in support of their proposed rent provides by way of comparable evidence details of a two bedroom flat in Blenheim Court at £1,750 per calendar month. Blenheim Court it is noted is a block of similar age as the subject property and purpose built as is the subject property.
11. The landlord refers to a previous reference to the Tribunal and claims that the tenant is simply repeating the claims made then. He states however that many of the defects are now rectified.

Valuation

12. Following consideration of the submissions made on behalf of both the landlord and the tenant and using its own knowledge and experience of the rental market in Kenton, the Tribunal finds that the open market rental value of a similar property in good condition is £1,600.00 per month.
13. Taking account of all evidence provided the Tribunal is of the opinion that while some improvement to the property has taken place in the last few years , in all probability ,some defects remain .The Tribunal therefore makes an adjustment of £50.00 per month to the rent to reflect continuing defects reported by the tenant
14. The Tribunal concludes therefore that the open market rent of the subject property is £1,550.00 per month .

Name: Mr John 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).