



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

Case Reference : **HS/LON/00AQ/MNR/2024/0128**

Hearing Type : **By Way of Written Representation and Oral Hearing**

Property : **35 Durham Road, North Harrow, Middlesex, HA1 4PF**

Applicant : **Miss Janet D Baugh & Tashan Baugh (Tenant)**

Respondent : **Mr M N Gulam Husein & Mrs R Gulam Husein**

Type of Application : **Referral in Respect of Market Rent Under Section 13 of the Housing Act 1988**

Tribunal Members : **J. A. Naylor FRICS FIRPM
Valuer Chairman**
Mr O N Miller .

Date of Inspection : **3 July 2024**

Date of Full Reasons : **3 July 2024**

**STATEMENT OF FULL REASONS ON AN APPLICATION FOR
DETERMINATION OF A MARKET RENT UNDER S. 13 AND 14 OF THE
HOUSING ACT 1988.**

REASONS

Background

1. On 26 February 2024 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 £2,400 per month to £3,400 per month from 8 April 2024.
2. On 1 March 2024 the tenant made an application to the Tribunal for the determination of a market rent.
3. The original tenancy is believed to have begun 8 October 2022.
4. The tenant occupies the property by way of an Assured Periodic Tenancy.
5. By way of a letter dated 17 May 2024, the Tribunal issued directions. These required the landlord to provide details of evidence on which they wished to rely by way of reply by 7 June 2024. The tenant was directed to do the same by 21 June 2024 and the landlord was given until 28 June 2024 for his response thereto.
6. On 13th June 2024 the Tribunal wrote to the parties confirming details for a hearing and inspection to take place on 3 July 2024.
7. Both parties took the opportunity to make submissions.
8. On the application, the tenant states that they have painted the staircase and cupboards.
9. The tenants did not submit the Reply form.
10. By way of letter dated 21 September 2023, the landlord states the rental value of the property is £3,600 per calendar month. Photographs of the kitchen, bathroom, bedrooms, conservatory and dining room are provided. It is noted that Foxtons state that this rent should be an asking rent.
11. In the landlord's Reply form the property is a five bedroom property with a converted loft creating the fourth bedroom and bathroom, with a further fifth bedroom at ground level

- 12..The landlord advises that the kitchen was refitted in 2017 and provided photographs of each room.
- 13.Finally, the landlord pointed out that the property is only 7 minutes' walk of North Harrow Underground station.
- 14.Despite a hearing scheduled for 10.00 am on the morning of 3 July 2024, neither party was in attendance
- 15.On 3 July 2024, on the basis of a hearing and inspection of the property, the Tribunal determined the Market rent of the above property at £2,850 per calendar month.

Inspection

16. The Tribunal attended the property to undertake an inspection at 1.00 pm on 3 July 2024.
17. It was apparent that the property was originally constructed as a two storey semi-detached dwellinghouse comprising three bedrooms. This has subsequently been extended by the provision of a further bedroom and en-suite within the loft space and an extension to the rear providing a lean-to conservatory and an additional room.
18. The accommodation comprises:

Ground floor: entrance hall, through lounge, conservatory, kitchen, rear room, shower room / WC.
First floor: 3 bedrooms, bathroom / WC.
Loft floor: bedroom 4, en-suite WC.

Externally, there are garden areas front and rear.
19. During the inspection, both applicants were present.
20. Neither the landlord nor any representative on his behalf were present.
21. On arrival the Tribunal notified the parties that they should be provided with access to all possible areas of the property but that she could not provide any additional

evidence nor engage in conversation about the property nor the rental value thereof.

22. All rooms were accessible.

23. In the ground floor rear room, access was severely limited by the number of items stored therein.

24. At the time of inspection, the property was found to be in reasonable condition, both internally and externally. That said, the Tribunal was of the opinion that the property is now showing significant signs of wear and tear with fixtures and fittings beginning to show their age. This is particularly so in the areas of the kitchen and various bath / shower rooms all of which need some attention.

The Law

25. When determining a market rent in accordance with the Housing Act 1988 Section 13 regard must be had to all of the circumstances (other than personal circumstances) including the age, location and state of repair of the property, matters contained within the rent, repairing obligations, etc. This means that issues such as the tenant's ability to pay the rent or bills associated with the property are not a consideration for the tribunal in assessing the rent.

Valuation

26. Following consideration of the written and photographic submissions given by the parties, and taking into account the Tribunal's inspection and using its own knowledge and experience of the rental market in the North Harrow area, the Tribunal finds that the market rental value of the property, if it was in good condition, would be £3,100 per month.

27. Taking into account evidence of some disrepair and general wear and tear, the Tribunal considers it necessary to adjust that market rental value to reflect this.

28. Taking these and other more general factors into consideration, the Tribunal finds that it is necessary to make a £250 per month deduction in the market rental value of the property to reflect its condition and general wear and tear.

Valuation Calculation

29. Open market rent	£3,100 per month
Deduction for adjustments detailed above	£ 250 per month
Adjusted rent	£2,850 per month

The Tribunal therefore determines that the market rental value of the property should be set at a figure of **£2,850 per month**.

Chairman: J. A. Naylor FRICS FIRPM

Valuer Chairman

Date: 3rd July 2024

ANNEX OF RIGHTS FOR MARKET RENTS

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).