



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

Case Reference : **LON/00AT/FTT/2024/0256**

Property : **29 Sutton Court Chiswick London W4 3JE**

Tenant : **Mrs Wendy D Payne**

Landlord : **Northumberland & Durham Property Trust Ltd**

Date of Objection : **11 October 2023 (by Landlord)**

Type of Application : **Section 70, Rent Act 1977**

Tribunal : **Judge Pittaway
Ms S Redmond MRICS**

Date of Reasons : **22 October 2024**

DECISION

The sum of £245.43 per week will be registered as the fair rent with effect from 22 October 2024, being the date the Tribunal made the Decision.

FULL REASONS

Background

1. Following an objection from the Landlord to the determination of a fair rent by the Rent Officer, the Tribunal has made a determination under the provisions of the Rent Act 1977.

Inspection

2. The Tribunal did not inspect the property but considered this case on the basis of the papers provided by the parties.

The property is described as a two-bedroom, self-contained mansion-block apartment on the fourth floor, with separate kitchen, bathroom and living room. There are private communal gardens.

Evidence

3. There were no written submissions from the parties.

Determination and Valuation

4. On the basis of our own expert, general knowledge of rental values in the area, we consider that the open market rent for the property in good tenable condition would be in the region of £430 per week.

From this level of rent we have made adjustments to reflect

- the tenant's obligations in relation to repair and decoration,
- the apparent lack of provision by the landlord of curtains, carpets and white goods,
- the tenant's statement to the Rent Officer on 6 August 2023 regarding poor condition and deterioration, and
- the lack of refurbishment of the property to a modern standard.

We have made an adjustment of 30%.

No adjustment is considered necessary for the replacement of the boiler, as this was a replacement of a previous boiler. This is apparent from the invoice for the new boiler provided by the landlord.

5. The Tribunal has also made an adjustment to the rent, net of service charge, for scarcity. We have adopted a scarcity of 20%, being the rate generally adopted for scarcity in the area of greater London.

6. The full valuation is shown below:

Market Rent	£430 per week
<i>Less</i>	
The adjustment referred (approx. 30%)	£129
Adjusted rent	£301 per week
Adjusted Rent net of service charge	£277.83 per week
<i>Less</i>	
Scarcity	
approx. 20% (of the rent less the service charge)	£222.26 per week
<i>Add</i>	
Service charge	£23.17 per week
Fair Rent	<u>£245.43 per week</u>

7. The Tribunal determines a rent of £245.43 per week.

Decision

8. The uncapped fair rent initially determined by the Tribunal, for the purposes of section 70, was £245.43 per week. The capped rent for the property according to the provisions of the Rent Acts (Maximum Fair Rent) Order 1999 is calculated at £291 per week. The calculation of the capped rent is shown on the decision form. In this case the lower rent of £245.43 per calendar week is to be registered as the fair rent or this property.

Chairman: Judge Pittaway

Date: 22 October 2024

APPEAL PROVISIONS

If either party wishes to appeal this decision, the application for permission to appeal should be made on Form RP PTA.

