



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

**Case Reference:** LON/00AM/F77/2024/0616

**Property:** 43 Lavender Grove, London, E8 3LR

**Tenant:** Ms Sandra Dixon

**Landlord:** Clarion Housing Association Limited

**Date of Objection:**

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

**Tribunal:** Judge I Mohabir  
Mr K Ridgeway MRICS

**Date of Extended  
Reasons** : 13 December 2024

---

**DECISION**

The sum of £306.50 per week will be registered as the fair rent with effect from 13 December 2024 being the date the Tribunal made the Decision.

## **Background**

1. Following an objection from the tenant 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 (“the Act”).
2. By an application dated 14 May 2024, the landlord applied to register a fair rent in respect of 43 Lavender Grove, London, E8 3LR (“the property”). The tenant is a secure tenant of the property under the Housing Act 1985 pursuant to a tenancy granted to her on 5 January 1987 by the landlord.
3. The landlord sought to have a fair rent of £10,530 per annum registered. The fair rent had previously been registered on 8 October 2018 in the sum of £213.50 per week (£9,849.84 per annum) following an appeal to the Tribunal.
4. On 14 May 2024, the Rent Officer registered a fair rent of £303 per week commencing from 8 July 2024, which the tenant objected to and the matter was referred to the Tribunal for a fresh determination.

## **Hearing**

5. An oral hearing took place on 13 December 2024. The tenant appeared in person. The landlord did not attend and was not represented.
6. Prior to the hearing, the tenant had filed written representations in relation to the fair rent together with a number of comparable properties of the passing rent being paid to other social landlords. No written representations had been filed or served by the landlord.
7. At the hearing, the tenant maintained that the Rent Officer’s capping calculation were wrong because it should have been based on the rents being paid in respect of other properties in the locality to other social landlords, as demonstrated in her comparables.
8. The tenant also complained about the incorrect process by which the landlord had internally applying the rent increases.
9. The Tribunal explained to the tenant that the landlord, as a social landlord, only charged her a lesser rent increase based on its own internal annual indexation. The assessment of the fair rent under section 70 of the Act was an entirely separate exercise by the Tribunal, which would invariably result in a higher rent being determined. Therefore, the comparables relied on by the tenant were not relevant and did not provide the Tribunal with any assistance in determining the fair rent. However, in reality, her landlord would only seek to recover the lower rent charged by it. Indeed, the tenant confirmed that the rent she was currently paying is £189.42 per week.

## **Inspection**

10. The Tribunal later inspected the property on 13 December 2024. It is a Victorian mid-terraced house of brick construction under a slate roof, situated on a quiet residential road with permit parking. All windows are single glassed timber sash with some timber casement to the rear. The windows are all in very poor condition with bad rot in many places. The accommodation comprises of: Ground floor, a kitchen diner, living room, toilet, and living room/bedroom. On the first floor there are three bedrooms and a bath and toilet. All white goods, furniture, flooring, curtains are provided by the tenant.

## **Determination and Valuation**

11. Having consideration of our own expert, general knowledge of rental values in the area of Hackney, we consider that the open market rent for the property in its current condition would be in the region of £850.00 per week.
12. From this level of rent we have made global adjustments in relation to:

For the absence of kitchen units, tenant’s floor coverings, curtains, white goods, the tenant’s internal decoration obligation under the terms of the tenancy and the absence of double glazing and the external disrepair in particular to the window frames totalling 35%.

13. The Tribunal has also made an adjustment for scarcity.

14. The full valuation is shown below:

Market Rent		per week £850.00
<i>Less</i>		
Deductions above	)	
No kitchen units	)	
Tenant's floor coverings and white goods	)	40%
Tenant's decorating obligation	)	
No double glazing	)	
Disrepair to the windows	)	
Adjusted rent		£552.50
<i>Less</i>		
Scarcity	approx. 20%	£110.50
		£442.00

15. The Tribunal determines a rent of £442.00 per week.

**Decision**

16. However, the rent has been capped under the provisions of the Rent Acts (Maximum Fair Rents) Order 1999 as it is above MFR of £306.50 per week.

Tribunal Judge: Mr I Mohabir

Date: 13 December 2024

**APPEAL PROVISIONS**

These extended reasons are provided to give the parties an indication as to how the Tribunal made its decision. Any application for permission to appeal should be made on Form RP PTA.