



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

Case Reference : **LON/00AW/F77/2025/0211**

Property : **44 Wallingford Avenue, London, W10
6PY**

Tenant : **Mr A T Mehmed & Ms M L Zapata**

**Landlord
Citygate** : **Grainger Finance Company Limited**

Date of Objection : **7 May 2025**

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

Tribunal : **Mr A Harris LLM FRICS FCI Arb**

**Date of
Reasons** : **9 September 2025**

DECISION

The sum of £510.00 per week will be registered as the fair rent with effect from 9 September 2025, being the date the Tribunal made the Decision.

REASONS

Background

1. The property was previously the subject of a registered rent of £498.00 per week registered on 30 March 2023 and effective from 30 April 2023.
2. Following an application by the landlord the rent was registered on 10 April 2025 and effective from 30 April 2025 at £513.00 per week which was the s70 rent.
3. Following an objection from the Landlord dated 7 May 2025 to the determination of the fair rent by the Rent Officer, the tribunal has made a determination under the provisions of the Rent Act 1977.

Inspection

4. The tribunal did not inspect the property but considered this case on the basis of the papers provided by the parties.
5. The property is described on the rent registration certificate as a first floor self-contained converted flat circa 1919-1944 with central heating and comprising 4 rooms, kitchen, bathroom, WC.

Evidence

6. There were no written submissions from the Landlord.
7. Submissions were made on behalf of the Tenant by Oliver Fisher, Solicitors. Mr Mehmed was stated to no longer live at the property. The kitchen is described as being very small and was refitted by the tenant about 15 years ago. The fridge has to go in another room. The submissions suggest that the rent should be fixed at the capped rent.
8. Several comparables were provided;
 - Flat A 37 Wallingford Ave is a self contained converted flat with central heating on the ground floor with 2 room, kitchen, bathroom/WC and use of the garden. The tenancy is a secure tenancy from a social housing provider and the rent is a capped rent and below the market rent fixed under s70. The flat is smaller and therefore of little assistance in valuing the subject property.
 - First, second and third floor maisonette 1 North Pole Rd W10 is a self contained converted flat without central heating with bathroom/wc and on small room on the first floor, 1 room and kitchen on the second floor and one room on the third floor. The rent is £235 per week which is the s70 rent and below the rent

cap. The layout and lack of central heating make this a poor comparable. The rent fixed below the cap suggests there is disrepair.

- Flat A 32 Wallingford Ave is a self contained ground floor flat without central heating consisting of 3 room, kitchen, bathroom/wc and garden. The rent is a capped rent of £233 per week and below the s70 rent of £350.00 per week. The landlord is a social housing provider. The flat is smaller and lacks central heating and the rent is likely to be below the rental value of the subject property.
 - 72 Highlever Rd W10 is a self contained converted flat without central heating on the first floor consisting of 3 rooms, kitchen, bathroom and WC. There is a garden. The registered rent is capped rent and below the uncapped s70 rent of £293 per week. It is smaller than the subject flat and lacks heating and is therefore of limited assistance.
9. There is said to be disrepair at the flat with a broken gas appliance. The fire escape staircase at the rear has been removed and there is no sound insulation between the ground and first floors. Windows do not fit correctly and are draughty. In short this is not a modern flat with modern facilities.

The Law

10. When determining a fair rent in accordance with section 70 of the Rent Act 1977, the tribunal has regard to all the circumstances (other than personal circumstances) including the age, location and state of repair of the property.
11. In *Spath Holme Ltd v Chairman of the Greater Manchester etc. Committee* (1995) 28 HLR 107 and *Curtis v London Rent Assessment Committee* [1999] QB 92 the Court of Appeal emphasized that ordinarily a fair rent is the market rent for the property discounted for 'scarcity' (i.e. that element, if any, of the market rent, that is attributable to there being a significant shortage of similar properties in the wider locality available for letting on similar terms - other than as to rent - to that of the regulated tenancy) and that for the purposes of determining the market rent, assured tenancy (market) rents are usually appropriate comparables. These rents may have to be adjusted where necessary to reflect any relevant differences between those comparables and the subject property.
12. The rent has been previously registered, and the Rent Acts (Maximum Fair Rent) Order 1999 therefore applies unless there are significant improvements made by the Landlord which increase the rent which would be registered by more than 15%. There are no such improvements in this case. The previous registration is therefore the starting point for assessing the new rent under the Order. The Order sets out the basis for

calculating the new rent which is the increase in the Retail Prices Index from the last registration date plus 5% where the rent has previously been registered.

Determination and Valuation

13. In addition to the comparable evidence from the tenant, the tribunal has relied on our own expert, general knowledge of rental values in the area. We consider that the open market rent for the property in the condition and with the amenities the market would expect would be in the region of £750.00 per week. From this level of rent we have made adjustments in relation to:

- a. Items of disrepair and condition listed in the tenants submissions
- b. The Tribunal found that there was substantial scarcity of letting property in the locality of Greater London and using its knowledge and experience made a deduction of 20% from the adjusted market rent.

14. The full valuation is shown below:

Fair rent			
		Per week	
Market rent		£	750.00
less condition & terms	15%	<u>-£</u>	<u>112.50</u>
adjusted rent		£	637.50
less scarcity off adj rent	20%	<u>-£</u>	<u>127.50</u>
Fair rent		£	510.00

15. The Tribunal determines a rent of £510.00 per week for the purposes of s70.

Decision

16. The uncapped fair rent initially determined by the Tribunal, for the purposes of section 70, was £510.00 per week. The capped rent for the property according to the provisions of the Rent Acts (Maximum Fair Rent) Order 1999 is calculated at £571.50 per week. The calculation of the capped rent is shown on the decision form.

17. The lower figure is to be registered as the fair rent and in this case it is the s70 rent of £510.00 per week which is to be registered as the fair rent for this property.

Chairman: A Harris

Date: 9 September 2025

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 may 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 the case. The application should be made on Form RP PTA available at <https://www.gov.uk/government/publications/form-rp-pta-application-for-permission-to-appeal-a-decision-to-the-upper-tribunal-lands-chamber>

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. Please note that if you are seeking permission to appeal against a decision made by the Tribunal under the Rent Act 1977, the Housing Act 1988 or the Local Government and Housing Act 1989, this can only be on a point of law.

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