



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

Case Reference : **LON/00AP/F77/2025/0298**

Property : **366, Muswell Hill, Broadway,
London, N10 1DJ**

Tenant : **Ms Sebena Teresa Bernardes**

Landlord : **Red Primrose Ltd**

Date of Objection : **22 September 2025**

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

Tribunal : **R Waterhouse FRICS
Cliff Piarroux JP**

Date of Decision : **Heard on 26 February 2026/
inspected on 13 March 2026**

DECISION

The sum of £11,682.50 per calendar year, will be registered as the fair rent with effect from 13 March 2026, being the date the Tribunal made the Decision.

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Full REASONS

Background

1. The landlord submitted an application, dated 1 August 2025, to register a fair rent of £1100.00 per month. Previous to the application the Rent Officer had registered a fair rent of £7904.50 per year with effect 12 November 2018.
2. Following the application the Rent Officer registered a fair rent of £11677.50 per year with effect from 12 September 2025. Following an objection from the tenant on 22 September 2025 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.
3. Directions were issued on 5 November 2025.
4. The Tribunal Procedure Rules (First – tier Tribunal) (Property Chamber) Rule 34 provides for consideration of whether a hearing can commence in the absence of one party. In this case the respondent is absent. The tribunal first is satisfied that they were notified of the hearing. Second the tribunal having deliberated on the matter is content that the interests of justice are best served by continuing with the hearing.
5. The property is described in the Rent Register as a self-contained flat over commercial premises, with full central heating, three rooms, one kitchen, /diner, and bathroom/WC.

Inspection

6. The tribunal inspected the property on 13 March 2026. Present were the tenant and her nephew.
7. The property is located above commercial premises on Muswell Hill. The property is accessed from a communal door. Through the door is a communal staircase that serves a number of flats. The subject property is on the top floor. The communal stairs were grand when originally built but now were covered in tired vinyl flooring.
8. Through the subject property's front door leads to a hall. Off the hall were several cupboards. The room at the end of the hall was used as a dining room, off which was a small kitchen. The kitchen is very small, pipes exposed cupboards functional but very dated. Much of the property had exposed pipes and poor-quality plaster finish. There was a room which had a set of folding doors. One part of the room was used as a bedroom, the other as a sitting room. The doors are quite substantial in nature. The windows are double glazed, and the property is centrally heated. There are several cracks on the interior of the plaster and flaking of plaster in some places.

Evidence

Submission by the tenant

9. The tenant in their objection noted that the proposed increase would cause hardship, and listed the disrepairs the property was suffering from;

- Living room/ bedroom windows in disrepair
- Cracks in living room wall and surrounding window bay
- Common hallways in disrepair (have not been done in over 40 years)
- Front door, stairs and plaster failing away

A completed Reply Form and several photographs were also supplied.

10. The Reply Form states central heating and secondary glazing submitted by the landlord. Carpet/curtains and white goods from the tenant except for cooker and sink.

The Reply Form notes the disrepairs in the property.

11. The tenant gave oral evidence in the hearing confirming the state of the property and describing the unusual layout of the property in terms of internal partitions.

12. The tenant asserted that they were unsure what it would fetch in the open market in a good condition but felt it may be between £1000 and £2000 per month.

13. Recourse by the tenant was to a similar fair rented property which had a passing rent of £ 836 per month the tenant in that having been in occupation for 40 years and felt that hers, where occupation was around 50 years should less.

Submission by the landlord

14. The landlord has made no submissions to the Tribunal prior to the hearing

Determination and Valuation

Valuation

15. In determining the level of rent for the fair rent, the Tribunal must carry out a valuation under section 70 of the Rent Act 1977 and then an assessment under the Rent Acts(Maximum Fair Rent) Order 1999.The latter assessment is dependent on the inflation rate between the last registered rent and the date of the current determination which is the date of hearing. The tribunal must then adopt the lower of the two figures as the fair rent to be registered.

16. The tribunal cannot have recourse to other fair rented properties as comparables. The approach the tribunal must take to consider the open market value of the property and make suitable adjustments.

17. Having consideration of the comparable evidence proved by the parties and our own expert general knowledge of rental values in the area, the Tribunal adopts the figure of £2250.00 per calendar month, for the property described in paragraph 10 and in good condition.

18. From this level of rent we have made adjustments in relation to: (i) terms and conditions the tenancy that is the tenant is responsible for internal decoration which is more onerous than contemporary tenancies from which the comparables are derived (ii) improvements made by the tenant, none noted (iii) the supply of curtains and carpets , some white goods and (iv) general condition of the property compared with contemporary lettings.

19. The Tribunal has also made an adjustment for scarcity at 20%.

Market Rent	£2250.00 pcm
Less: 25% for (i) to (iv) above;	£562.50 pcm

	£ 1687.50 pcm
Less 20% for scarcity	£337.50 pcm

	£ 1350.00 pcm

20. The Tribunal determines a rent under section 70 of £1350.00 pcm equivalent to £16,200.00 per year.

Decision

21. The rent calculated under section 70 Rent Act 1977 is £16,200.00 per year.

22. The rent calculated under the Rent Acts (Maximum Fair Rent) Order 1999 is £11,682.50 per year. The rent calculated under section 70 of the Rent Act 1977 rent is higher than the rent calculated under the Rent Acts (Maximum Fair Rent) Order 1999. Therefore, the tribunal determines the rent to be registered is £11,682.50 per year, with effect from 13 March 2026.

Chairman: R Waterhouse FRICS

Date: 13 March 2026

Appeal to the Upper Tribunal

A person wishing to appeal this decision to the Upper Tribunal (Property Chamber) on a point of law must seek permission to do so by making a written application to the First-tier Tribunal at the Regional Office which has been dealing with the case which application must:

- a. be received by the said office within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
- b. identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.

If the application is not received within the 28 –day time limit, it must include a request for an extension of time and the reason for it not complying with the 28- day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.