



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

Case reference : **JM/LON/00AP/F77/2021/0193**

Property : **Second Floor flat, 7A Rectory Road
London
N16 7QR**

Applicant : **Mr Harvey Roberts**

Respondent : **Radvan Estates Limited**

Type of application : **Section 67, Rent Act 1977**

Tribunal member(s) : **Judge Daley LLB(hons)
Mr K Ridgeway MRICS**

Date and venue of hearing : **On 4 October 2021 at 10 Alfred
Place, London WC1E 7LR**

Date of decision : **Decision and reasons dated 01
August 2021**

DECISION

Decision of the tribunal

(1) The sum of £90.00 Per week is determined as the fair rent with effect from 4 October 2021.

The application

Background

1. The Landlord applied to register a fair rent on 24 December 2020 in the sum of £300 per week, the Rent payable by the Tenant was £25.00, although the property was subject to a protected tenancy, the rent had not previously been registered.
2. On 1 March 2021, the rent officer registered a fair rent in the sum of £210 per week, as the property had not previously been registered it was not subject to the protection of the maximum fair rent order.
3. The Tenant objected to the fair rent and this matter was referred to the tribunal for a determination.
4. On 27 April 2021, directions were given by the Tribunal for the determination of this matter. The Directions noted that due to the Covid 19 pandemic, the matter would be determined on the papers, and that “ The Tribunal is holding face to face hearings only in exceptional circumstances and it may not inspect the interior of any property.” The matter was due to be determined within 28 days of 4 June 2021.
5. However, the tenant requested a hearing and the matter was listed for a face-to-face hearing at 12pm on 4 October 2021.
6. The Tenant attended the hearing, the Respondent Landlord did not attend, and was not represented and also made sent no further submissions. The Tribunal therefore determined this matter on the basis of the tenant’s oral submissions and on the information which had been provided by the landlord to the rent officer.

The Hearing

7. At the hearing, the Applicant, tenant, Mr Harvey, informed the Tribunal that he had in fact occupied the property from the late nineteen sixties and that the date given as the start of his tenancy (13.1.76) was wrong, however this made no difference to the decision before the premises, as it fell to be considered as a fair rent application. Mr Harvey informed us that there had been changes in landlord during that time, and that although work had been undertaken to the rest of the building nothing had been done to his flat.

8. He stated that when he had moved into the property the tenancy had comprised two rooms on the top floor, there had been no heating or hot water, and the facilities that he had used had been shared. Over time he had made improvements by effectively making the property “self-contained”. He had used a mezzanine/landing area, and had created a shower area and had also installed a Saniflo toilet. He had installed an immersion heater into the loft area to provide hot water, and had installed a kitchen in one of the rooms. The other room was used as a living/bedroom.
9. The property had no central heating and was subject to damp and mould and in addition there was also a problem with the roof leaking.
10. In addition, he had provided the Tribunal with a copy of an Improvement Notice which had been copied to the Respondent Landlord dated 28 November 2017, which had identified Category 1 hazards as existing at the premises,(the most serious type of hazard.) However no work had been carried out by the landlord to comply.
11. The landlord had completed the Tribunal proforma, in it he stated that central heating had been provided by the landlord, and some redecoration. Of disrepair it was stated that “ none was known at present.
12. The Tribunal found the account given by Mr Harvey to be very detailed and he readily answered all of the questions of the Tribunal and provided explanation. He stated that although work had been carried out to the building, his premises had been excluded. He was very clear in his evidence that he did not have central heating, and that the hot water provided was by an immersion heater which ran off his electric.

The Inspection

13. Due to the Coronavirus pandemic no inspection of the property was carried.

The law

14. In accordance with the terms of section 70 of the Rent Act 1977, the Tribunal are required to have regard to the age, character, locality and state of repair of the dwelling house. If any furniture is provided the quantity, quality and condition of the furniture. The Tribunal was required amongst other matters to disregard any disrepair attributed to the tenant and also any improvements that the tenant had made.
15. The Tribunal noted that this property had not previously been registered so it was not subject to the “cap” imposed by the Maximum Fair Rent Order.

The Valuation

16. The Tribunal firstly determined that the market rent for the properties within the area at the date of the notice of increase and determined that the market rent for the premises was £250 per week.
17. However the Tribunal needed to make deductions to reflect the tenant's improvements in the property. The premises had no kitchen, bathroom, WC, floor heating and hot water including The property.
18. The Tenant's condition also meant that the tenant was responsible for decoration and minor repairs.
19. The Tribunal noted that the premises was also in disrepair. The Tribunal considered that this required a deduction of 50% leaving a rent of £112.50.
20. The Tribunal then considered whether there was scarcity of avoidable property. It decided that in order to reflect the scarcity a further deduction of 20%, was necessary This left a fair rent of £90.00
21. As the fair rent is not subject to the maximum fair rent order, the fair rent is £90.00 per week.

The Decision

22. **The Tribunal having taken into account the factors set out above determines that the fair rent is £90.00 per week from 4 October 2021. Being the date of the Tribunal's decision.**

Name: Judge Daley

Date: 21 October 2021