



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

Case Reference : **LON/00AU/F77/2021/0190
P:PAPERREMOTE**

Property : **Flat 35 Angel House 20 – 32
Pentonville Road London N1 9HJ**

Applicant : **Mrs B Synnuck**

Respondent : **BPT (Bradford Property Trust)
Limited**

Date of Application : **10 March 2021**

Type of Application : **Determination of the registered rent
under Section 70 Rent Act 1977**

Tribunal : **Mrs E Flint DMS FRICS**

**Date and venue of
hearing** : **13 July 2021
remote hearing on the papers**

DECISION

The registered rent with effect from 13 July 2021 is £800 per month.

This has been a hearing on the papers which has been consented to by the parties. The form of remote hearing was P:PAPERREMOTE, a paper determination which is not provisional. A face to face hearing was not held because it was not practicable and all the issues could be determined on the papers. The documents that I was referred to are in an electronic bundle, the contents of which I have recorded.

Background

1. On 18 January 2021 the landlord applied to the rent officer for registration of a fair rent of £803.87 inclusive of £252.70 service charge per month for the above property.
2. The registered rent at the date of the application was £773 per month which had been registered by the rent officer on 23 January 2019 with effect from 2 March 2019.
3. On 17 February 2021, the rent officer registered a fair rent of £846.50 inclusive of £20.94 service charge per week with effect from 2 March 2021.
4. On 10 March 2021 the tenant objected to the registered rent.
5. Owing to the Covid 19 restrictions the parties were asked if they would consent to the application being dealt with on the papers. Neither party objected. Written representations were received from both the landlord and the tenant.

The Evidence

6. The property is situated close to the Angel with its transport and other local amenities. Angel House is a six storey purpose built block with commercial premises on the ground floor and flats above. The accommodation, which is on the second floor, comprises three rooms, kitchen and bathroom/wc.
7. The tenant stated that the block was built in 1936, access to the flat is via an open balcony. The windows to the communal walkway had been double glazed, the living room and main bedroom windows overlooking the main road had not been replaced in 2009: they provided poor sound insulation. She had fitted the kitchen in the 1990's. The flat is not centrally heated. The registered rent was higher than that sought by the landlord.
8. The landlord described the flat as having four rooms, kitchen and bathroom/wc. The bathroom had been replaced in 2016, double glazing was fitted in 2009, rewiring was completed in 2006 and a new front door fitted in 2016.
9. The landlord referred to three lettings in the block at rents ranging from 31300 to £1625 per month to support the landlord's opinion that the open market rental value was £1400 per month. Deductions of £250 for lack of white goods, carpets and curtains, the dated kitchen and the terms of the tenancy. A further 10% allowance was made for

scarcity. The landlord stated that the rent registered by the rent officer was reasonable.

Valuation

10. In the first instance the Tribunal determined what rent the landlord could reasonably be expected to obtain for the property in the open market if it were let today in the condition that is considered usual for such an open market letting. On the basis of the limited information provided regarding the comparables in the block, the landlord's description of the flat having four rooms rather than the actual number which is three, the tribunal concluded that the likely market rent for the flat would be £1300 per month.
11. However, it was first necessary to adjust the hypothetical rent of £1300 per month to allow for the differences between the terms and condition considered usual for such a letting and the condition of the actual property at the valuation date, ignoring any tenant's improvements, (disregarding the effect of any disrepair or other defect attributable to the tenant or any predecessor in title). The Tribunal noted that properties available on the open market were generally modern or modernised, centrally heated and double glazed with white goods, floor and window coverings. The Tribunal considered that these differences and the terms and conditions of the tenancy required a deduction of £300 per month.
12. This leaves an adjusted market rent for the subject property of £1000 per month. The Tribunal was of the opinion that there was substantial scarcity in London for similar properties and therefore made a deduction of approximately 20% from the market rent to reflect this element. The Tribunal's uncapped fair rent is £800 per month.

Decision

13. The uncapped fair rent initially determined by the Tribunal, for the purposes of section 70, was accordingly £800 per month.
13. This is below the maximum fair rent that can be registered by virtue of the Rent Acts (Maximum Fair Rent) Order 1999 (Details are provided on the back of the decision form).
14. **Accordingly the sum of £800 per month will be registered as the fair rent with effect from 13 July 2021 being the date of the Tribunal's decision.**

Chairman: Evelyn Flint

Dated: 13 July 2021

ANNEX - RIGHTS OF APPEAL

- i. 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.
- ii. 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.
- iii. 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.
- iv. 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.

