



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

Case Reference : CAM/22UJ/F77/2020/0019

Property : 214 Potters Field, Harlow, CM17 9DE

Tenant : Mr and Mrs S and S Rowe

Landlord : London and Quadrant Group

Type of Application : Determination of rent under Rent Act 1977

Tribunal Members : Judge Judith Lancaster **Chairman**
Mr Stephen Moll FRICS **Valuer Member**

Date of Decision : 8 March 2021

STATEMENT OF REASONS

DECISION

The Tribunal determined a Fair Rent of £187.50 per week.

THE PREMISES:

1. Due to Covid-19, the Tribunal did not inspect the Property, but made their determination on the basis of the information provided by the Rent Officer and the parties, and information gained from internet mapping applications, and their knowledge of the local area. The Property is a semi-detached house, built C 1965-80, located on the outskirts of Harlow, between the A414 and the M11. According to the Rent Register, the accommodation consists of one room, kitchen, WC and store on the ground floor, and 4 rooms plus bath/WC on the first floor, and there is full central heating. No information as accommodation/facilities/condition was provided by the parties.

THE TENANCY

2. According to the Rent Register, the Tenancy started on 14/02/2000, and the Landlord's repairing obligations are as under section 11 of the Landlord and Tenant Act 1985.

THE APPEAL

3. The Rent Officer registered a Fair Rent capped at £186.50 per week on 28/10/20, effective from that date. The uncapped figure was £227.00 per week. By email dated 31 October 2020 to the Valuation Office Agency, the Tenants appealed. Neither party requested a hearing, and only the Tenant submitted written representations.

THE TENANTS' CASE

4. The Tenants' case may be summarised as follows;

- a) The rent registered by the Rent Officer is a huge increase in one go;
- b) The Tenants have been trying to get a roof leak repaired since June 22 but nothing has happened
- c) the Landlord should not get a rent increase because they do nothing and the Tenants have to do any repairs.

THE LAW

5. Attached to this Statement of Reasons is a resumé of the law as applied by the Tribunal. It forms an integral part of the Reasons of the Tribunal.

THE DECISION

6. The Tribunal noted the representations made by the Tenant. However, they had not been provided with details as to the condition of the Property, apart from the reference to a roof leak, and there was no description of the leak. In the Directions issued by the Tribunal on 5 January 2021 both parties were asked to complete, and return to the Tribunal, a reply form, which specifically asks for a description of the accommodation and facilities, including each room in the Property and its condition and notable features. However, the Tribunal did not receive a reply form from either party.

7. They also noted that the previous registered rent was £140.00 per week, registered on 27 January 2011, but the current rent was stated to be £109.47 per week in the Landlord's application for registration of a Fair Rent. A registered rent is the maximum which can be charged – a landlord is free to charge less.

8. The assessment of a Fair Rent starts with an assessment of the open market rent as at the date of the Tribunal's decision. Previous rents are not relevant to this assessment, or the Tribunal's decision.

9. As no evidence of the rents of comparable properties had been supplied by either party, the Tribunal relied on the members' knowledge and experience of open market rents in the area. It is the Tribunal's view that the open market rent for a similar property, in good condition with modern facilities, floor coverings, curtains and some white goods, would be £1250.00 per calendar month. The Tribunal then made a deduction for lack of floor coverings, curtains and white goods provided by the Landlord, because the Rent Officer's calculation sheet states that the Landlord did not provide these items. Due to lack of information, the Tribunal did not make any deductions for condition/lack of any other facilities/Tenants' improvements.

10. As to scarcity, the Tribunal decided that there is substantial scarcity of 'similar dwelling houses in the locality' available for letting and a deduction would be made to reflect this. The matters taken into account by the Tribunal were;

- a. the Tribunal interpreted the "locality" for scarcity purposes as being west Essex/east Hertfordshire ie a sufficiently large area to eliminate the effect of any localised amenity which would, in itself, tend to increase or decrease rent;
- b. the members of the Tribunal have many years of experience of the residential letting market between them and that experience leads them to the view that demand does substantially exceed supply for similar properties in the locality defined above, and a 10% deduction for scarcity should be made.

SUMMARY

Open market rent for similar property in good condition with modern facilities	£1250.00 pcm
Less:- Deduction for lack of floor coverings, curtains and white goods	<u>£125.00 pcm</u>
Open market rent for subject property	£1125.00 pcm
10% deduction for scarcity	<u>£ 112.50 pcm</u>
Fair Rent determined by the Tribunal	£1012.50 pcm

This equates to £233.65 per week.

11. The provisions of the Rent Acts (Maximum Fair Rent) Order 1999 must then be considered. The 'capped' rent calculated in accordance with the formula set out in the Order is £187.50 per week. As this is less than the Fair Rent determined by the Tribunal, capping applies.

12. The Tribunal therefore determined a Fair Rent of £187.50 per week.

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Judge Lancaster
17 March 2021

ANNEX - RIGHTS OF APPEAL

1. 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.
2. 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.
3. 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.
4. 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.

