

Notice of the Tribunal Decision and Register of Rents under Assured Periodic Tenancies (Section 14 Determination)

Housing Act 1988 Section 14

Address of Premises44 Parkside Way, North Harrow,
Harrow, Middlesex, HA2 6DF**The Tribunal members were**

Mr A Harris LLM FRICS FCIArb

Landlord

Mrs Ulker Donmezier c/o Colin Dean Residential Limited

Address

Bank House, 350 Pinner Road, Harrow, Middlesex, HA1 4LB

Tenant

Ms Larisssa Lavnikova

1. The rent is:£

1360

Per

Month

**(excluding water rates and council
tax but including any amounts in
paras 3)**

2. The date the decision takes effect is:

21 November 2020

*3. The amount included for services is/is
—negligible/not applicable

0

Per

*4. ~~Service charges are variable and are not included~~

5. Date assured tenancy commenced

21/10/2010

6. Length of the term or rental period

monthly

7. Allocation of liability for repairs

Landlord full repairing

8. Furniture provided by landlord or superior landlord

None

9. Description of premises

A semi detached house with 3 bedrooms 2 reception rooms kitchen bathroom and WC, front and rear gardens and garage

Chairman**A Harris****Date of Decision****21 July 2021**



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

Case reference : **LON/00AQ/MNR/2021/0024**

HMCTS code (paper, video, audio) : **P: PAPERREMOTE**

Property : **44 Parkside Way, North Harrow, Harrow, Middlesex, HA2 6DF**

Applicant Tenant : **Ms Larisska Lavnikova**

Representative : **In Person**

Respondent Landlord : **Mrs Ulker Donmezier**

Representative : **Colin Dean Residential Limited**

Type of application : **Market Rent under s13 & 14 of the Housing Act 1988**

Tribunal member(s) : **Mr A Harris LLM FRICS FCI Arb**

Date and venue of hearing : **21 July 2021 at 10 Alfred Place, London WC1E 7LR**

Date of decision : **21 July 2021**

DECISION

Covid-19 pandemic: description of hearing

This has been a remote hearing on the papers. The form of remote hearing was P:PAPERREMOTE. The Directions dated 24 May 2021 set out that the tribunal was not able to hold face to face hearings or carry out internal inspections. The decision made is described at the end of these reasons. The documents that the tribunal was referred to are the notice of increase, the application and covering correspondence and submissions from both parties, the contents of which the tribunal have noted.

Decisions of the tribunal

- (1) The tribunal determines that the market rent is £1360.00 (one thousand three hundred and sixty pounds) per calendar month.
- (2) The tribunal makes the determinations as set out under the various headings in this decision.

The application

1. The applicant seeks a determination pursuant to section 13 & 14 of the Housing Act 1988 following the service of a notice by the landlord proposing a rent increase to £1810.00 per month.

Background

2. On 8 October 2020 the landlord served a notice of rent increase proposing a new rent of 1810.00 per month in place of the existing rent of £1750 per month. The starting date for the new rent would be 21 November 2020.
3. On 15 September 2020 the tenant, Mrs Lavnikova appealed to the tribunal. Directions were issued on 24 May 2021.
4. An inspection was not possible on this occasion and the tribunal relied on the evidence provided both parties. The tenant helpfully supplied some photographs showing some internal disrepair.

The property

5. The property has not been inspected for the purpose of these proceedings but the parties have supplied plans and photographs between them in which the tribunal can rely.
6. The property is in a mainly residential locality adjacent to public open space. Public transport is within easy reach. Accommodation consists of 2 living rooms, 3 bedrooms kitchen and bathroom/WC. The house has a garage and central heating.

The landlord's evidence

7. The Landlord in his reply form provided a description of the accommodation, a photograph of the front elevation and a floor plan.
8. No rental evidence was put forward.
9. No comment was made on the tenant's allegations of disrepair.

The tenant's evidence

10. In the reply form the Tenant confirms that kitchen was replaced by the tenant.
11. The tenant stated that the boiler was broken at the time of the application but there is no evidence as to whether this has been repaired. Photographs of been provided of worn carpets on the stairs poor decorations in various places and some mould and water damage. Bathroom tiles are coming away from the wall which allows dampness behind the tiles and into the floor below. Fencing and the side gate are in need of repair. External decorations are poor.
12. The tenant has supplied details of comparable evidence taken from Rightmove.
 - Sandhurst Avenue, Harrow a similar age three-bedroom terrace house consisting of 3 bedrooms bathroom and 2 reception rooms to rent at £1525 per month. There is no garage
 - a modern semi-detached property in North Harrow to let at £1550 per month and consisting of 3 bedrooms. The house is available to let unfurnished and was added to right move on 14 June 2021.
 - Capthorne Avenue, Harrow a Semi Detached Property with 3 Bedrooms Available to Let Unfurnished at £1550 per Month. This Property Was Added to Right Move on 23 June 2021.
 - Canon Lane Pinner, a three-bedroom semi-detached house available to let in July 2021 at £1650 per month. This is a three-bedroom house with garage.
13. In the Tenants view the market for newly refurbished houses in the area is £1500-£1700 per month.

The Law

14. The tribunal must first determine that the landlord's notice under section 13(2) satisfied the requirements of that section and was validly served.
15. The Housing Act 1988, section 14 requires the tribunal to determine the rent at which it considered that the subject property might reasonably be expected to be let on the open market by a willing landlord under an assured tenancy.

16. In so doing the tribunal, is required by section 14(1), to ignore the effect on the rental value of the property of any relevant tenant's improvements as defined in section 14(2) of that Act. Any improvements made during the previous regulated tenancy are no longer disregarded.

Valuation

17. The Tenant has put forward for comparable properties which the tribunal considers are relevant. The tribunal notes these are houses to let in the condition in which the market would expect.
18. In addition to the evidence supplied by the Tenant the tribunal also relies on its own knowledge and experience. The tribunal is of the view that rents have fallen in the London area recently and there is no evidence before the tribunal this trend has stopped or been reversed. The best evidence comes from contemporary lettings in the market.
19. The tribunal considers that the house in good repair and with the amenities required by the market would let at a rent of £1600.00 per month. The tribunal has then considered the condition of the house and lack of white goods and makes an adjustment of 15% for these factors which reduces the rent to £1360 per month.

Effective date

20. Under s14 (7) of the Housing Act 1988 the effective date of the decision would normally be the date shown on the application unless there is hardship to the tenant.
21. The tribunal received no evidence of hardship and therefore the effective date of the decision is 21 November 2020.

Name: A P Harris LL.M FRICS FCI Arb Valuer Chair **Date:** 21 July 2021

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 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.

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