

London Rent Assessment Panel

File Ref No.

LON/OOAC/MNR/2004/0140

Extended Reasons for the decision of a Rent Assessment Committee

Extended Reasons for the decision of a Rent Assessment Committee requested by the tenant under section 12 of the Tribunals and Inquiries Act 1971 and regulation 10A of the Rent Assessment Committee (England and Wales) Regulations 1971

Premises

Top Flat, 20 Halliwick Road
Muswell Hill
London
N10 1AB

The Committee members were

Mrs B Hindley LLB
Mrs J McGrandle BSc (EstMan) MRICS
MRTPI
Mr J J Tomalin

Landlord:

Mr D A Pearlman
Represented by Pearl & Courts Ltd who attended the hearing

Tenant:

Mr P Kent
Who submitted written representations

Hearing date:

20th August 2004

A copy of the decision has already been provided.

London Rent Assessment Panel
10 Alfred Place
London WC1E 7LR
Tel: 0207 446 7700

1. This reference concerns an application by agents, Pearl and Coutts Ltd, on behalf of the landlord, Mr D A Pearlman, under Section 13 Of the Housing Act 1988, which was referred to the Committee by the tenant, Mr P Kent.
2. The agents sought an increase from the present rent of £625 per month, inclusive of Council tax at £84. 05p and water charges at £12. 92p per month, to £825 per month, inclusive of Council tax at £89. 91p and water charges at £13. 28p per month, with effect from 5 June 2004.
3. A hearing took place on 20 August 2004, attended by Mr M V Morgan on behalf of Pearl and Coutts Ltd. Mr Kent sent written representations.
4. Mr Kent wrote that he had occupied the property for over 10 years and the present rent had been determined by a Rent Assessment Committee on 14 April 2003. The subject flat was 'a basic unfurnished flat situated on the edge of a Council estate one mile from Muswell Hill Broadway'. He said that, recently, the landlord had replaced three windows, the w.c., and a tap, and had hardboarded broken floorboards and papered over a crack in the wall at the top of the stairs.
5. He referred to the adjacent top floor flat at 18 Hallwick Road which, he said, was a one bedroom, part furnished flat, occupied by the same tenants since 17 September 1994, who were presently paying a rent of £650 per month
6. The rest of Mr Kent's representations concerned a disputed parking place in front of the property.
7. Mr Morgan said that the large (670 sq. ft) subject flat comprised the first floor of a two storey, semi detached, house. Required repairs had been effected after some difficulties had been experienced with regard to access. He was not concerned with the on going dispute about parking.
8. Mr Morgan pointed out that the rent on the flat at 18 Hallwick Road had been fixed on 17 March 2001 and he handed in an agreement to this effect.
9. He said that the view of local agents was that a two room flat in the vicinity would let at £175 - £180 per month exclusive of Council tax and water rates.
10. After the hearing the Tribunal inspected the property. They found it to be a substantial semi detached house with a bay window at ground floor level only. The internal common parts were in reasonable condition.
11. The subject flat, with all rooms accessed from a large and light corridor, comprised a living room at the front of the house with three windows. Adjacent was a large kitchen /diner with a wall hung boiler, basic kitchen fittings and a large Crittal window. In the wc was a newly installed UPVC window and a low level cistern but no wash hand basin. In the bathroom there was another new UPVC window but the shower was broken and there was no shower curtain or screen. Further, the tiling around the bath was not in good condition and there was a gas meter in this room. The rear bedroom was a

12. The Tribunal accepted that were the flat to be in the condition expected of an assured shorthold tenancy it could be let at £180 per week. However, even disregarding the internal decorative state, which was the responsibility of the tenant, they considered that it was not in such condition and, for this reason, they deducted 20% from their starting figure. Adding £25 per week in respect of Council tax and water rates, converting the thereby achieved figure to a monthly amount and rounding, the Committee determined a rent of £730 per month with effect from 5 June 2004, no evidence of hardship having been given by the tenant.

B. D. Hendley

13/12/04.