



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

Case Reference : **BIR/00GG/F77/2019/0019**

Property : **52, Park Lane, Shifnal, Shropshire,
TF11 9HD**

Applicant : **Northumberland and Durham
Property Trust Ltd**

**Applicant's
Representative** : **Grainger plc**

Respondent : **Mrs Sylvia Head**

**Respondent's
Representative** : **None**

Application : **Application for determination of fair rent
Under s70 Rent Act 1977 and the Rent Acts
(Maximum Fair Rent) Order 1999**

Tribunal : **Tribunal Judge P. J. Ellis.
Tribunal Member Sarah Hopkins FRICS.**

**Date of Inspection
And Original Decision** : **18 June 2019**

Date of Decision : **15 August 2019**

DECISION ON SET ASIDE

1. On 18 June 2019 the Tribunal issued its decision determining a regulated rent for the subject property in accordance with under s70 Rent Act 1977 and the Rent Acts (Maximum Fair Rent) Order 1999.
2. On 7 July 2019 the Valuation Office notified the Tribunal that the decision was in error because the effective date was erroneously stated as 2 December 2018 rather than the date of the decision.
3. The Tribunal further noted that the Notice of the Tribunal Decision form had been incorrectly completed. The determined rent had been recorded in paragraph 1 as £95.00 per week when it should have recorded as £83.00 per week. The sum of £95.00 per week is in fact the maximum fair rent permitted by the Rent Acts (Maximum Fair Rent) Order 1999.
4. Having reviewed the decision the Tribunal has decided that it is in the interests of justice that the decision is set aside because of the procedural irregularity pursuant to Rule 51(1) and (2)(d) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 and remake the decision with the correct effective date for the new rent, the correct determined rent recorded in paragraph 1, and the maximum fair rent noted at paragraph 8 (b).
5. The remade decision is annexed to this Decision.

Judge PJ Ellis

Chair

Notice of the Tribunal Decision

Rent Act 1977 Schedule 11

Address of Premises

52 Park Lane,
Shifnal,
Shropshire,
TF11 9HD

The Tribunal members were

Mr Peter J Ellis
Mrs Sarah Hopkins MRICS

Landlord

Northumberland & Durham Property Trust Ltd

Tenant

Mrs Sylvia Head

1. The fair rent is

£83.00

Per

week

(excluding water rates and council tax but including any amounts in paras 3&4)

2. The effective date is

18 June 2019

3. The amount for services is not applicable

n/a

Per

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4. The amount for fuel charges (excluding heating and lighting of common parts) not counting for rent allowance is not applicable

n/a

Per

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5. The rent is to be registered as variable.

6. The capping provisions of the Rent Acts (Maximum Fair Rent) Order 1999 apply (please see calculation overleaf).

7. Details (other than rent) where different from Rent Register entry

8. For information only:

The fair rent to be registered is not limited by the Rent Acts (maximum Fair Rent) Order 1999, because it is below the maximum fair rent of £95.00 per week.

Chairman

Mr Peter J Ellis

Date of decision

18 June 2019

Corrected and remade on 15 August 2019

MAXIMUM FAIR RENT CALCULATION

LATEST RPI FIGURE	X	284.5			
PREVIOUS RPI FIGURE	Y	267.1			
X	284.5	Minus Y	267.1	= (A)	17.4
(A)	17.4	Divided by Y	267.1	= (B)	0.06514

First application for re-registration since 1 February 1999 NO

If yes (B) plus 1.075 = (C)

If no (B) plus 1.05 = (C) 1.1151

Last registered rent* 85 **Multiplied by (C) =** 94.7873

*(exclusive of any variable service charge)

Rounded up to nearest 50p = 95.00

Variable service charge **NO**

If YES add amount for services

MAXIMUM FAIR RENT = **£95** **Per** **week**

Explanatory Note

1. The calculation of the maximum fair rent, in accordance with the formula contained in the Order, is set out above.
2. In summary, the formula provides for the maximum fair rent to be calculated by:
 - (a) increasing the previous registered rent by the percentage change in the retail price index (the RPI) since the date of that earlier registration and
 - (b) adding a further 7.5% (if the present application was the first since 1 February 1999) or 5% (if it is a second or subsequent application since that date).

A 7.5% increase is represented, in the calculation set out above, by the addition of 1.075 to (B) and an increase of 5% is represented by the addition of 1.05 to (B).

The result is rounded up to the nearest 50 pence.
3. For the purposes of the calculation the latest RPI figure (x) is that published in the calendar month immediately before the month in which the Tribunal's fair rent determination was made.
4. The process differs where the tenancy agreement contains a variable service charge and the rent is to be registered as variable under section 71(4) of the Rent Act 1977. In such a case the variable service charge is removed before applying the formula. When the amount determined by the application of the formula is ascertained the service charge is then added to that sum in order to produce the maximum fair rent.