



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

Case Reference : **CHI/43UB/F77/2019/0020**

Property : **15, Kingfisher Court, Bridge Road,
East Molesey, Surrey KT8 9HL**

Type of Application : **Decision in relation to Rent Act
1977**

Date of Decision : **22 August 2019**

Reasons for the decision

Background

1. The landlord made an application to register the rent of the property at £1,207.88 per month inclusive of £30.62 per month.
2. On 20 March 2019 the Rent Officer registered the rent at £1,115 per calendar month exclusive of rates but inclusive of £58.18 services with effect from 30 April 2019. The uncapped rent was stated to be £180 per week.
3. On 15 April 2019 the landlord objected, and the matter was referred to the First Tier Tribunal, Property Chamber.
4. On 24 April 2019 the Tribunal sent standard Directions to both parties requiring the landlord to send to the tenant and the Tribunal a written statement with their assessment of the rent and for the tenant to make a response.
5. Written representations from the landlords was received on 7 May 2019.

6. The tenant advised the Tribunal that due to hospital appointments she did not wish to submit representations, that an inspection of the property would not be possible and that the proposed rent should be accepted.

Evidence

7. As requested, the tribunal has not carried out an inspection and takes its description from the Rent Register. The property is described as a purpose-built ground floor flat comprising 4 rooms, kitchen and bathroom /wc with full central heating.
8. In coming to their registration, the Rent Officer relied on open market lettings of 4 room flats in the KT8 post code ranging between £275.77 and £519.23 per week.
9. Representations from the landlord described the property as “a beautiful three bedroom self-contained flat. The property offer (sic) spacious accommodation. Situated in a superb development with communal swimming Pool and Tennis Court...”
10. Three comparables were referred to;
 - a. Palace Road, east Molesey: 3 bed, 1 ensuite bathroom & family bathroom, 2 reception – unfurnished - £1,950 pcm
 - b. Kingfisher Court: 3 bed, 1 bath, 1 reception, Communal swimming pool and tennis court – unfurnished - £1,600 pcm
 - c. Pemberton Road: 3 bed, bathroom, reception, unfurnished - £1,595 pcm
11. To allow for the differences in standard of accommodation between the comparables and the subject flat they deducted the following; Dated kitchen-£50pcm; Dated bathroom-£30pcm; White goods / curtains/blinds/ internal decorations/ floor coverings-£125pcm leaving an adjusted rent of £1,395 pcm.

The law

12. When determining a fair rent the Tribunal, in accordance with the Rent Act 1977, section 70, must have regard to all the circumstances including the age, location and state of repair of the property. It must also disregard the effect of (a) any relevant tenant's improvements and (b) the effect of any disrepair or other defect attributable to the tenant or any predecessor in title under the regulated tenancy, on the rental value of the property.
13. Case law informs the Tribunal;
 - a. That ordinarily a fair rent is the market rent for the property discounted for 'scarcity' (i.e. that element, if any, of the market rent, that is attributable to there being a significant

shortage of similar properties in the wider locality available for letting on similar terms - other than as to rent - to that of the regulated tenancy) and

- b. That for the purposes of determining the market rent, assured tenancy (market) rents are usually appropriate comparables. (These rents may have to be adjusted where necessary to reflect any relevant differences between those comparables and the subject property).

Valuation

14. Thus, 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 on the terms and in the condition, that is considered usual for such an open market letting. The Tribunal is assisted by the comparables provided by the landlord particularly the flat in Kingfisher Court available at £1,600 pcm. The landlord refers to the lack of scarcity and that there are 17 properties available within 1-mile radius. Given this situation it is likely that a prospective tenant would expect to negotiate a reduction and the Tribunal therefore takes as its starting point a rent of £1,500 pcm.
15. However, the rent referred to in the above paragraph is on the basis of a modern open market letting with where the tenant has no liability to carry out repairs or decorations, has a modern kitchen and bathroom and the landlord supplies white goods, carpets and curtains. In this case the Tenant supplies white goods, carpets and curtains and the bathroom and kitchen fittings are said to require modernisation.
16. In making its own adjustments to reflect the lower bid a prospective tenant would make to reflect the differences between the property in a modern lettable state and that as provided by the landlord we make a deduction of 20% arriving at a rent of £1,200 pcm.
17. We then considered the question of scarcity as referred to in paragraph 12a above and determined that there was none in this area of Surrey.
18. We therefore determined that the uncapped Fair Rent is £1,200 per calendar month exclusive of council tax and water rates with effect from 22 August 2019.
19. As this amount is below the rent calculated in accordance with the Maximum Fair Rent Order details of which are shown on the rear of the Decision Notice the Order has no effect and **we determine that the sum of £1,200 per calendar month inclusive of £58.18 per calendar month** is registered as the fair rent with effect from today's date.

D Banfield FRICS (Chairman)
22 August 2019

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office, which has been dealing with the case. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
2. If the person wishing to appeal does not comply with the 28-day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
3. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.