



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

Case Reference : **CHI/43UM/F77/2019/0036**

Property : **8, Coldharbour Road
Woking
Surrey
GU22 8SN**

Type of Application : **Determination of a fair rent:
Rent Act 1977**

Date of Decision : **11 September 2019**

Tenant : **Mrs J A Backshall**

Landlord : **Bradford Property Trust**

REASONS FOR THE DECISION

Background

1. On 08 April 2019 the landlord's agent made an application to register the rent of the property at £259.00 per week in place of the existing rent of £225.50 per week.
2. On 29 May 2019 the Rent Officer registered the rent at £235.00 per week exclusive of rates with effect from 08 July 2019.
3. On 02 July 2019 the Landlord objected and on 10 July 2019 the Rent Officer referred the case to the First Tier Tribunal (Property Chamber). Directions for the conduct of the case were issued to the parties dated 15 July 2019.
4. The Tenant made no response. By letter dated 29 July 2019 the Landlord's agent, Grainger plc, made representations on behalf of their client and these were forwarded to the Tenant at the property address. Neither party requested an oral hearing.

Inspection

5. On 11 September 2019 the Tribunal members inspected the property accompanied by the Tenant and her home help, the Landlord was not present or represented. The Tribunal chairman was invited to speak with the Tenant's Daughter-in-Law on the telephone as it transpires that Mrs Backshall suffers from dementia. The chairman explained what was happening but it appears that neither the Tenant's son nor his wife were aware of any correspondence. No power-of-attorney has been issued. Accordingly the Tribunal determined to continue with its assessment by making its inspection as it would not receive any oral evidence at the property.
6. The property is a three bedroom Victorian semi-detached terrace house built of brick under a pitched, tile-covered roof. At the side is an attached single-storey building used as a shop (not part of the tenancy) and at the side of that the pedestrian access to number 8 at the rear of the building. There is a garden at the side and rear probably with sufficient space to park a small vehicle off-road, but no amenity space at the front which abuts the main road. It was in satisfactory condition. There is however no central heating and the kitchen and bathroom are not fitted to a modern standard.
7. The accommodation comprises: Ground Floor: Two Living Rooms; Kitchen with stainless steel sink and minimal fittings leading to Bathroom with bath, washbasin and W.C. First Floor: Small Landing; One Bedroom inspected. (On the landing there was a further door which was locked and could not be accessed. The Rent Register and the Landlord's documents describe the first floor as having three rooms. For the purpose of this determination we have assumed that there is a further bedroom with another room leading from it).

Representations

8. The Tenant made no representations.
9. The Landlord's agent, Grainger PLC, submitted a pro-forma written representation describing the property, its location and the tenancy which commenced in 2007 in succession to a previous regulated tenancy.
10. In support of its rental valuation the agent provided particulars of properties in the locality on offer with rents between £335.00 and £358.00 per week. Ignoring the typographical errors Grainger's believe that the comparables support a market rent for the subject property but modernised and in good order with central heating at at-least £323.00 per week. Having done that a deduction of £125.00 per month is made for the provision of white goods, curtains and blinds, floor coverings, decorating and minor repairs. To allow for the lack of central heating a deduction of £125.00 per month is made and £125.00 per month to allow for the dated kitchen and bathroom. It is not considered that there should be any further deduction for scarcity. This calculation produces their valuation of £1,070.00 per month or £247 per week although their application was for £259.00 per week.

The law

11. 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 personal circumstances of the Landlord or the Tenant and 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.

12. 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).
13. For the purpose of determining the market rent, assured tenancy rents (market rents) are usually appropriate comparables. (These rents have to be adjusted where necessary to reflect any relevant differences between those comparables and the subject property).
14. The Rent Acts (Maximum Fair Rents) Order 1999¹ ("MFR") introduced statutory maximum (capping) limits to fair rents calculated using a formula based upon the previously registered rent, a standard addition and an inflation factor.

Valuation

15. 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.
16. The Landlord provided evidence of properties available to let and these were useful although perhaps a little selective. We also relied on the general information provided by the rent service and our own knowledge of general rent levels for this type of property in the locality and determined that the starting point should be £320.00 per week.
17. However, the rent referred to in the above paragraph is on the basis of a modern open market letting of a centrally heated property where the tenant has no liability to carry out repairs or decorations and the landlord supplies white goods, carpets and curtains.
18. In this case there is no central heating and the Tenant supplies her own white goods, carpets and curtains. The terms of this tenancy also require the tenant to carry out internal decorations. A deduction must be made for these differences. The Tribunal has therefore made the following deductions from the starting point of £320.00 per week.

a. Onerous Tenant's decorating obligations	£10.00
b. Carpets/curtains	£10.00
c. White goods	£10.00
d. Dated kitchen and bathroom fittings	£30.00
e. Lack of central heating	£25.00
Total deductions	£85.00 per week

¹ The Rent Acts (Maximum Fair Rent) Order 1999 SI 1999 No. 6

19. We then considered the question of scarcity as referred to in paragraph 11 above. There is no evidence of anything other than a balance of supply and demand in this locality and a limited supply so we conclude that there should be no adjustment for scarcity.
20. We therefore determined that the uncapped Fair Rent is £235.00 per week (£320.00 less £85.00).
21. As this amount is below the maximum rent calculated in accordance with the MFR, details of which are shown on the rear of the Decision Notice, we determine that the lower sum of **£235.00 per week** is registered as the fair rent with effect from **11 September 2019**.

Chairman: B H R Simms

Date: 11 September 2019

PERMISSION TO APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) on a point of law 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.
2. 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.
3. 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.
4. 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.