



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

Case Reference	:	LON/00BF/F77/2019/0160
Property	:	84 Ambleside Gardens, Sutton, Surrey, SM2 5HN
Landlord	:	Orbit South Housing Association Ltd
Tenant	:	Mr P and Mrs V Donald
Type of Application	:	Assessment of Fair Rent
Tribunal Members	:	Judge Robert Latham Sarah Redmond MRICS
Date and venue of Determination	:	10 Alfred Place, London WC1E 7LR 22 November 2019
Date of Decision	:	22 November 2019

REASONS FOR DECISION

1. On 1 July 2019, the landlord applied to the Rent Officer for re-registration of a fair rent of £155.79 for 84 Ambleside Gardens, Sutton, Surrey, SM2 5HN (“the house”) pursuant to Part IV of the Rent Act 1977 (“the Act”). The landlord asked for £10.41 pw to be included in the rent in respect of service charges. A rent of £116.28 was being paid at the time.
2. On 1 August 2017, the Rent Officer had registered a rent of £153.50 per week, of which £8.12pw was attributable to services. It is not the practice of the landlord to collect the full rent, but rather charge a lower “social rent”.
3. On 13 August 2019, the Rent Officer assessed a fair rent of £169.50 pw. She recorded that £6.94 is attributable to services. She first assessed a fair rent of £210 pw. She then assessed the “capped rent” pursuant to The Rent Acts (Maximum Fair Rent) Order 1999 and computed this to be £169.50 pw. As this

was lower than the fair rent, this was the rent which was registered. The Rent Officer recorded that £6.94 pw was attributable to services.

4. On 29 August, the landlord requested the Rent Officer to refer the matter to the First-tier Tribunal (Property Chamber) (the “Tribunal”). The landlord makes one point, namely that the sum attributable to services should be £10.41 pw. The landlord has provided service charge statements to support this figure.
5. The landlord notes that it will not be charging the tenants the registered rent, but rather a social rent of £116.01 per week (inclusive of service charge).
6. The Tribunal concluded that it is not necessary to inspect the house for two reasons:
 - (i) The registered rent will be a capped rent as this is lower than the fair rent which we would determine.
 - (ii) The landlord does not intend to charge the registered rent, but rather a lower social rent.
7. Neither party has questioned the fair rent of £210 pw which has been computed by the Rent Officer. We therefore confirm this. We are required to compute the “capped rent” as at today’s date, rather than 13 August 2019, the date taken by the Rent Officer. As a result of this, we compute the capped rent to be £170.50 pw. This will apply for two years from today’s date, rather than from 13 August.
8. We record that £10.41 pw is attributable to services. We accept the figure proposed by the landlord. It would seem that the Rent Officer made an arithmetical error.
9. However, the landlord has indicated that it will not be charging this registered rent of £170.50 pw, but rather a social rent of £116.01 pw.

Judge Robert Latham
22 November 2019