



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

Case Reference : **CHI/43UK/F77/2019/0066**

Property : **16 Trindles Road
South Nutfield
Redhill
Surrey RH1 4JN**

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

Date of Decision : **13 January 2020**

Tenant : **Mrs K King**

Landlord : **BPT (Bradford Property Trust) Ltd**

Tribunal Members : **Mr B H R Simms FRICS (Chairman)
Mr N I Robinson FRICS (Valuer Member)**

REASONS FOR THE DECISION

Background

1. On 23 August 2019 the Landlord's agent, Grainger Plc, made an application to register the rent of the property at £233.00 per week in place of the existing rent of £203.00 per week.
2. On 15 October 2019 the Rent Officer registered the rent at £210.00 per week with effect from 30 November 2019.
3. The Landlord objected to the rent registered and 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 25 November 2019.
4. In response to Directions the Tenant's son made written representations by letter dated 20 December 2019 which was circulated to the Landlord. Neither the Landlord nor its agent made any written representations.
5. The Directions gave notice that the matter would be determined on the papers without a hearing unless a party objects. Neither party requested an oral hearing within the time allotted.

Inspection

6. On 13 January 2020 the Tribunal members inspected the property accompanied by the Tenant's son as the Tenant was in hospital, the Landlord was not present or represented.
7. The property is a two bedroom Victorian terrace house built of brick under a pitched, tile-covered roof. There is a small garden at the front with a larger garden to the rear. The house is a short distance from Trindles Road and is approached by a pedestrian walkway. The house was in poor condition internally and is showing its age. There are however replacement uPVC double glazed windows and a modern external door. There is no central heating and the Tenant has had to provide some portable electric heaters. The kitchen and bathroom are not fitted to a modern standard. The Tenant has supplied all floor coverings, curtains, furniture and white goods.
8. The accommodation comprises: Ground Floor: Hall; Living Room; Kitchen with sink, worktop and cupboards. First Floor approached by a steep staircase: Small Landing; Two Bedrooms; Bathroom (leading from a corridor) with bath, washbasin and W.C.

Representations

9. In his letter Mr King, writing on behalf of his mother the Tenant, describes the property and its location set back from the road emphasising the lack of car parking. He confirms there is no central heating and there may be some damp. The plaster in the kitchen has lost key and is falling away from the walls. (The Tribunal confirmed this at its inspection). He outlines the respective repairing obligations with the Tenant being responsible for interior repairs and decorations. He makes no comment on the rental level.
10. The Landlord made no representations.

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 of the Tenant and the effect on the rental value of the property of:
 - (a) any relevant tenant's improvements and
 - (b) any disrepair or other defect attributable to the tenant or any predecessor in title under the regulated tenancy.
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. Neither party provided any rental evidence of comparable properties or a formal opinion of rental value. We relied on the information provided by the rent service and also our own knowledge of general rent levels for this type of property in the locality. We determined that the starting point should be £254.00 per week on the assumption that the Tenant is responsible for internal repairs and decorations.
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 the Tenant supplies her own white goods, carpets and curtains and there is no central heating. The terms of this tenancy also require the tenant to carry out internal decorations. A deduction must be made for these differences.
19. The Tribunal has therefore made deductions from the starting point of £254.00 per week as follows:

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

a. Lack of Landlord's carpets, curtains and floor coverings	£11.50
b. Lack of Landlord's white goods	£11.50
c. Dated bathroom fittings	£5.00
d. Dated kitchen fittings	£6.00
e. Lack of central heating	£14.00
f. General disrepair	£2.50
g. Location and lack of parking	£5.00

Total deductions £55.50 per week

20. These are the Tribunal's opinion of the reduced rental bid that would be made by a hypothetical tenant when allowing for the deficiencies in this property when compared to a modern open market letting of a similar property in the locality.
21. We then considered the question of scarcity as referred to in paragraph 12 above. There is no evidence of anything other than a balance of supply and demand in this locality so we conclude that there should be no adjustment for scarcity.
22. We therefore determined that the uncapped Fair Rent is £198.50 per week (£254.00 less £55.50).
23. The uncapped rent of £198.50 is below the maximum fair rent of £225.00 per week calculated in accordance with MFR, details of which are shown on the rear of the Decision Notice, we therefore determine that the sum of **£198.50 per week** is registered as the fair rent with effect from the date of the decision **13 January 2020**.

Chairman: B H R Simms

Date: 13 January 2020

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.