



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

**Case Reference** : **CAM/42UG/F77/2021/0033  
P:PAPERREMOTE**

**Property** : **27 Prospect Place Leiston Suffolk IP16  
4AL**

**Applicant** : **Christopher A Bacon (Estate  
Investments)**

**Respondent** : **Mr D J Place**

**Date of Application** : **29 August 2021**

**Type of Application** : **Determination of the registered rent  
under Section 70 Rent Act 1977**

**Tribunal** : **Mrs E Flint DMS FRICS**

**Date and venue of  
hearing** : **13 December 2021  
remote hearing on the papers**

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**DECISION**

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The registered rent with effect from 13 December 2021 is £95 per week.

This has been a hearing on the papers which has been consented to by the parties. The form of remote hearing was P:PAPERREMOTE, a paper determination which is not provisional. A face to face hearing was not held because it was not practicable and all the issues could be determined on the papers. The documents that I was referred to are in a paper bundle, the contents of which I have recorded.

## **Background**

1. On 19 July 2021 the landlord applied to the rent officer for registration of a fair rent of £575 per month for the above property.
2. The registered rent at the date of the application was £95 per week which had been registered by the rent officer on 28 October 2019 with effect from the same date.
3. On 10 September 2021, the rent officer registered a fair rent of £100 per week with effect from the same date.
4. On 11 October 2021 the landlord objected to the registered rent.
5. Directions were issued on 12 October 2021. Owing to the Covid 19 restrictions the parties were asked if they would consent to the application being dealt with on the papers. Neither party objected. Written representations were received from the landlord, no written representations were received from or on behalf of the tenant.

## **The Evidence**

6. The landlord stated that he had tried to maintain the house in habitable condition. Since 2019 he had spent £2400 on maintaining the property. An invoice for £2100 in respect of external decoration, some repointing and soffit repair dated 28 August 2019 and another for £300 for the installation of a loft hatch dated 16 March were provided. He stated that the house is centrally heated and has off-street parking.
7. Mr Bacon referred to a house on the market for £423 per week which he said was a like-for-like property. It was fully furnished and inclusive of all bills, even if the bills equated to 50% of the rent this would leave a rent of £211.50 per week. He requested a registered rent of £575 per month. The property was fully modernised, a modern replacement front door, double glazed with floor and window coverings, fully furnished including white goods, linen, TV and broadband. The rent of this comparable being inclusive of all bills was much higher than the general level of rents for small modernised properties in Leiston.

## **The Accommodation**

8. The property is a terraced house, situated in a narrow, heavily parked street of mainly similar cottages built at the end of the nineteenth century. It is within walking distance of all the local amenities. Leiston is approximately 4 miles from Saxmundham and 5 miles from Darsham, both of which have railway stations for trains to Ipswich and Lowestoft.

9. Externally the decorations are poor with flaking paintwork to the timber window frames, the front door is ill fitting and the rear and side elevations require some repointing. The gate to the rear pedestrian access is in poor condition.
10. The accommodation comprises on the ground floor two rooms, kitchen and bathroom/wc and on the first floor one bedroom and large landing.
11. The house is unmodernised. Heating is via the tenant's electric fire in the front living room and night storage heaters throughout: the landlord provided the wiring and the tenant the night storage heaters. Most of the windows are timber framed single glazed however the rear living room and kitchen have replacement double glazed windows.
12. The front door leads directly into the larger of the two small living rooms, the window is timber framed, single glazed with a top opening light. The consumer units and electric meter are located on the front wall between the door and window.
13. The stairs to the first floor are off the second living room which has a double glazed window to the rear and a door to the kitchen where the tenant has provided the sink unit, all the cupboards and work tops plus the white goods, the window is double glazed.
14. A lobby leads to the bathroom/wc which is dated with a pink suite and tiled splashback, the tenant has installed an electric shower over the bath.
15. A steep, narrow staircase with winders leads to a large landing used for storage, a door off leads into the double bedroom. There is evidence of water ingress on the landing ceiling.
16. There are a limited number of power points within the property, the carpets and curtains were the tenant's.

## **The Law**

17. When determining a fair rent the tribunal, in accordance with section 70 of the Rent Act 1977, must have regard to all the circumstances including the age, location and state of repair of the property. It also must disregard the effect if any of any relevant tenant's improvements and the effect of any disrepair or any other defect attributable to the tenant or any predecessor in title under the regulated tenancy, on the rental value of the property.
18. In *Spath Holme Ltd v Chairman of the Greater Manchester etc Committee* (1995) 28 HLR 107 and *Curtis v London Rent Assessment Committee* (1999) QB 92 the Court of appeal emphasised:

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 to that of a regulated tenancy, and

That for the purposes of determining the market rent, assured tenancy market rents are usually appropriate comparables; adjusted as necessary to reflect any relevant differences between the comparables and the subject property.

## Valuation

19. 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 in the condition that is considered usual for such an open market letting. The Tribunal relied on the comparable evidence supplied by the landlord and its own general knowledge of rental values in Leiston and surrounding areas and concluded that the likely market rent for the house would be £130 per week.
20. However, it was first necessary to adjust the hypothetical rent of £130 per week to allow for the differences between the terms and condition considered usual for such a letting and the condition of the actual property at the valuation date, ignoring any tenant's improvements, (disregarding the effect of any disrepair or other defect attributable to the tenant or any predecessor in title). The Tribunal noted that properties available on the open market were generally modern or modernised, in good repair, centrally heated and double glazed with white goods, floor and window coverings. Despite the landlord's statement the landlord has not provided central heating nor is there off street car parking. The Tribunal considered that these many differences and the terms and conditions of the tenancy required a deduction of £45 per week.
21. This leaves an adjusted market rent for the subject property of £95 per week. The Tribunal was of the opinion that there was not substantial scarcity in Suffolk for similar properties and therefore made no deduction from the market rent to reflect this element. The Tribunal's uncapped fair rent is £95 per week.

## Decision

22. The uncapped fair rent initially determined by the Tribunal, for the purposes of section 70, was accordingly £95 per week.
13. This is below the maximum fair rent that can be registered by virtue of the Rent Acts (Maximum Fair Rent) Order 1999 (Details are provided on the back of the decision form).
14. **Accordingly the sum of £95 per week will be registered as the fair rent with effect from 13 December 2021 being the date of the Tribunal's decision.**

*Chairman: Evelyn Flint*

Dated: 13 December 2021

**ANNEX - RIGHTS OF APPEAL**

- i. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) then a written application for permission must be made to the First-tier Tribunal at the Regional office which has been dealing with the case.
- ii. The application for permission to appeal must arrive at the Regional office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.
- iii. If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
- iv. The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal, and state the result the party making the application is seeking.

