



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

Case Reference : **LON/00BF/F77/2023/0311**

Property : **75 Ambleside Gardens, Sutton, Surrey
SM2 5HN**

Tenant : **Mr S Watson**

Landlord : **Orbit Housing Association Ltd**

Date of Objection : **31 August 2023**

Type of Application : **Section 70, Rent Act 1977**

Tribunal : **Judge D Brandler
Mr A Parkinson MRICS**

**Date of Summary
Reasons** : **11 December 2023**

DECISION

The sum of £216.00 per week will be registered as the fair rent with effect from 11 December 2023, being the date the Tribunal made the Decision.

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SUMMARY REASONS

Background

1. Following an objection from the Landlord to the determination of a fair rent by the Rent Officer, the Tribunal has made a determination under the provisions of the Rent Act 1977. The Landlord's objection relates solely to the registered service charge. The ground of appeal is that the registered service charge is significantly lower than the amount applied for. They have provided the service charge budget and actual costs for the latest available financial year to support their application. The Landlord has not provided a copy of the tenancy agreement.

Inspection

2. The Tribunal did not inspect the property but considered this case on the basis of the papers provided by the parties.

Evidence

3. The Landlord provided a response which has been considered. There were no written submissions from the Tenant.

Determination and Valuation

4. In the absence of the tenancy agreement, and therefore the absence of the tenant's obligation to pay an increased service charge, and in the absence of any submissions from the Tenant, the Tribunal adopted the Rent Officer's assessment of service charges. It is of note that in the response from the Landlord in relation to communal gardens they write "*Unknown*", which may suggest that the Tenant does not have access to communal spaces. There is no explanation from the Landlord why they are charging him "*Grounds Contract*". In the absence of any comparable evidence provided by the parties and having consideration for our own expert, general knowledge of rental values in the area, we consider that the open market rent for the property in its current condition would be in the region of £320 per week. From this level of rent we have made adjustments in relation to:

The tenants own furnishings, flooring, carpets and white goods

5. The Tribunal has also made an adjustment for scarcity.

6. The full valuation is shown below:

Market Rent		per week £320.00
<i>Less</i>		
To reflect the tenants own furnishings, flooring, carpets and white goods		
Approx. 15.5%		<u>£50.00</u>
		£270.00
<i>Less</i>		
Scarcity	approx. 20%	<u>£54.00</u>
		£216.00

7. The Tribunal determines a rent of £216.00 per week.

Decision

8. The uncapped fair rent determined by the Tribunal was £216.00 per week. The capped rent for the property according to the provisions of the Rent Acts (Maximum Fair Rent) Order 1999 is calculated at £236.13 per week. The calculation of the capped rent is shown on the decision form. In this case the lower rent of £216 per week is to be registered as the fair rent of this property.

Chairman: Judge Brandler Date: 11 December 2023

APPEAL PROVISIONS

These summary reasons are provided to give the parties an indication as to how the Tribunal made its decision. If either party wishes to appeal this decision, they should first make a request for full reasons and the details of how to appeal will be set out in the full reasons. Any subsequent application for permission to appeal should be made on Form RP PTA