



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

**Case Reference** : **LON/00BF/F77/2023/037**

**Property** : **4 Conway Drive, Worcester Road,  
Sutton, Surrey, SM2 6PN**

**Tenant** : **Mrs M Shergold**

**Landlord** : **Orbit South Housing Association Ltd**

**Date of Objection** : **5 October 2023**

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

**Tribunal** : **Mr A Harris LLM FRICS FCI Arb**

**Date of Summary  
Reasons** : **31 January 2024**

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**DECISION**

**The sum of £224.00 per week will be registered as the fair rent with effect from 31 January 2024, 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.

### 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 Tribunal has considered the written submissions provided by the Landlord.

### Determination and Valuation

4. The Tribunal has to find two figures, the market rent adjusted for scarcity and the capped rent, with the lower figure being registered.
5. In the absence of any rental evidence from the parties the tribunal has used its own expert, general knowledge of rental values in the area, and considers that the open market rent for the property in the condition and with the amenities the market would expect would be in the region of £350.00 per week including services. From this level of rent we have made adjustments in relation to:
  - a. The terms of the tenancy and assumed condition
  - b. The Tribunal has also made an adjustment for scarcity.

The full valuation is shown below:

Fair rent		PW	
Market rent		£	350.00
less condition & terms	20%	-£	<u>70.00</u>
adjusted rent		£	280.00
less scarcity off adj rent	20%	-£	<u>56.00</u>
Fair rent		£	224.00

6. The Tribunal determines a rent of £224.00 per week under s70 of the Rent Act.

## **Decision**

7. The uncapped fair rent initially determined by the Tribunal, for the purposes of section 70, was £224.00 per calendar week. The capped rent for the property according to the provisions of the Rent Acts (Maximum Fair Rent) Order 1999 is calculated at £260.00 per calendar week inclusive of services. The calculation of the capped rent is shown on the decision form. In this case the lower rent of £224.00 per week inclusive of services is to be registered as the fair rent or this property.

**Chairman: A Harris**

**Date: 31 January 2024**

## **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