

SUMMARY REASONS

Background

1. The Landlord applied to register a fair rent by application dated 24 October 2023 and the Rent Officer registered £17,775 per annum (including £1,779.21 per annum attributable to services by way of fixed service charge) with effect from 19 December 2023.
2. The previous rent registered on 2 December 2021 (with effect from 21 January 2022) was £18,375 per annum (including £841.62 attributable to services by way of fixed service charge).
3. Following an objection made on behalf of the Landlord (made by email to the Valuation Office Agency on 8 January 2024) to the determination by the Rent Officer, the Tribunal has made a determination under the provisions of the Rent Act 1977.

Inspection

4. The Tribunal inspected the property in dry, sunny weather on 12 April 2024.

Evidence

5. The Tribunal considered the documents that had been sent by the Valuation Office Agency, the Landlord and the Tenant. There was no oral hearing

Determination and Valuation

6. The property is self-contained flat in a 1904 mansion block. The accommodation comprises 4 rooms (1 living room, 2 bedrooms and what is now a “TV room” but must previously have been another bedroom), 1 kitchen, 1 shower room and 1 WC on the ground floor of the mansion block. It has no central heating and is heated by some electric heaters and an electric fire. Hot water is produced by an immersion heater installed in the 1960s.
7. Having regard to our own expert, general knowledge of rental values in the area (including by reviewing local properties on Rightmove.co.uk), we consider that the open market rent for the property would be around £35,000 per annum.
8. This hypothetical rent is adjusted as necessary to allow for the differences between the terms and conditions considered usual for such a letting in today’s market and the condition of the actual property at the date of the determination under the Rent

Act 1977. Any benefit derived from the tenant's improvements (if any) is disregarded.

9. The following deductions were made:

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| Condition of kitchen | 10% |
| Condition of bathroom | 5% |
| No central heating | 5% |
| State of electrical installation | 2.5% |
| No curtains or white goods provided by landlord | 7.5% |
| Damp | 7.5% |
| Total | 37.5% |

10. That gave a fair rent of £21,875 per annum (62.5% of £35,000 = £21,875).

11. A further deduction for scarcity of 20% was then made giving an uncapped fair rent for the purposes of section 70 of the 1977 Act of £17,500 per annum, including £1,779.21 per annum for fixed service charge.

Decision

12. The capped rent for the property according to the provisions of the Rent Acts (Maximum Fair Rent) Order 1999 is calculated at £22,955 per week, including the figure of £1,779.21 per annum as fixed service charge (see calculation above).

13. In this case, the lower rent of £17,500 per annum (uncapped) including £1,779.21 per annum for fixed service charge is to be registered as the fair rent for this property.

Chairman: Judge Rosanna Foskett, Mrs Alison Flynn MA MRICS

Date: 12 April 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.

