



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

**Case Reference** : **TR/LON/00BK/F77/2024/0018**

**Property** : **Flat 3, 24-26 Cleveland Square,  
London, W2 6DD**

**Tenant** : **Mrs Wanfen Zhang**

**Landlord** : **GMS Estates limited**

**Date of Objection** : **4 December 2023**

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

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

**Date of Summary  
Reasons** : **16 April 2024**

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**DECISION**

**The sum of £29952.00 per year will be registered as the fair rent with effect from 16 April 2024, being the date the Tribunal made the Decision.**

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## **SUMMARY REASONS**

### **Background**

1. Following an objection from the Tenant 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 Tenant and the Landlord.
4. The Tenant's evidence consisted of photographs of disrepair, especially to windows and videos showing considerable damage from water coming from the flat above.
5. The Landlord acknowledged the water leak from a flat it does not control and repairs are being carried out under an insurance claim. A claim for loss of rent has not been settled.

### **Determination and Valuation**

6. In the absence of comparable rental information from the parties the tribunal has relied on 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 £78,000 per year. From this level of rent we have made adjustments in relation to:
  - a. The tenants decorating liability
  - b. Disrepair
  - c. Dated kitchen and bathroom fittings
  - d. No carpets curtains or white goods
7. The Tribunal has also made an adjustment for scarcity.
8. The full valuation is shown below:

<b>Fair rent</b>			
			PA
Market rent		£	78,000.00
less condition & terms	52%	-£	40,560.00
adjusted rent		£	37,440.00
less scarcity off adj rent	20%	-£	7,488.00
Fair rent		£	29,952.00

9. The Tribunal determines a s70 rent of £29,952.00 per year and this equates to £2496.00 per calendar month.

### **Decision**

10. The uncapped fair rent initially determined by the Tribunal, for the purposes of section 70, was £29952.00 per year. The capped rent for the property according to the provisions of the Rent Acts (Maximum Fair Rent) Order 1999 is calculated at £36100.00 per year. The calculation of the capped rent is shown on the decision form. In this case the lower rent of £29,952.00 per year is to be registered as the fair rent or this property.

**Chairman: A Harris**

**Date: 16 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