

SUMMARY REASONS

Background

1. The previous fair rent for this property registered with effect from 3 November 2020 was £788.50 per calendar month.
2. Following an application by the Landlord, with effect from 15 December 2023, the Rent Officer registered the fair rent at £994 per calendar month, applying the capping provisions prescribed by the Rent Acts (Maximum Fair Rent) Order 1999.
3. Following an objection made by the Tenant to the determination by the Rent Officer, the Tribunal has made a determination under the provisions of the Rent Act 1977.

Inspection

4. No party requested an inspection by the Tribunal.

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 non self-contained flat (where the bathroom is the floor below the rest of the flat) within a Victorian building. The accommodation comprises 2 rooms, 1 kitchen, 1 bathroom/WC. No photographs or other descriptions of the condition of the property were provided, apart from the Rent Officer's notes on the adjustments made to the open market rent, which noted that the Tenant was liable for decoration, there is no central heating and the Landlord provided no floor coverings, curtains or white goods. There may have been certain other notes made in relation to the adjustments but the Tribunal was unable to see them on the screenshot submitted showing the Rent Officer's calculations.
7. Having regard to our own expert, general knowledge of rental values in the area (including based on comparable figures for properties in the area which have actually been let), we consider that the open market rent for the property would be around £2,600 per calendar month.
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 Tribunal made adjustments amounting to 50% of the open market rent in line with the Rent Officer's notes on the condition of the property and the submissions of the Tenant (who noted in particular the poor layout of the property).
10. That gave a fair rent of £1,125 per calendar month.
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 £900 per calendar month.

Decision

12. The capped rent for the property according to the provisions of the Rent Acts (Maximum Fair Rent) Order 1999 is calculated at £1,068.50 per calendar month (see calculation above).
13. In this case, the lower rent of £900 per calendar month is to be registered as the fair rent for this property.

Chairman: Judge Rosanna Foskett, Mrs Alison Flynn MA MRICS

Date: 29 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.