

## **SUMMARY REASONS**

### **Background**

1. The previous fair rent for this property registered with effect from 16 January 2015 following a decision of the First Tier Tribunal was £173 per week including £14.05 per week for services, following the application of the capping provisions of the Rent Acts (Maximum Fair Rent) Order 1999.
2. The Landlord applied on 19 October 2023 for the registration of fair rent at £148.13 per week including £6.22 per week for services.
3. With effect from 10 December 2023, the Rent Officer registered the fair rent at £265 per week including £6.22 per week for services. The notice of registration of this rent was received by the Tenant on 21 December 2023.
4. Following an objection made on 11 January 2024 on behalf of the Tenant to the determination by the Rent Officer, the Tribunal has made a determination under the provisions of the Rent Act 1977.

### **Inspection**

5. No party requested an inspection by the Tribunal.

### **Evidence**

6. 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**

7. The property is self-contained flat within a converted Grade II listed building, built in the mid-19<sup>th</sup> century. The accommodation comprises 4 rooms, 1 kitchen, 1 bathroom and 1 WC. It is noted in the Rent Register to have been modernised, although the objection filed on behalf of the Tenant states that the Tenant has not "*received ... refurbishment works*". 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 and the Landlord provided no furniture, floor coverings, curtains or white goods.
8. Having regard to our own expert, general knowledge of rental values in the area, we consider that the open market rent for the property would be around £650 per week.
9. 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.
10. The Tribunal made adjustments amounting to £210 per week in line with the Rent Officer's notes on the condition of the property.
11. That gave a fair rent of £440 per week.

12. 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 £352 per week.

### **Decision**

13. The capped rent for the property according to the provisions of the Rent Acts (Maximum Fair Rent) Order 1999 is calculated at £268.50 per week including £6.22 for services (see calculation above).
14. In this case, the lower capped rent of £268.50 per week including £6.22 for services 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.