



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

**Case reference** : **LON/00AZ/F77/2024/0118**

**Property** : **Flat A, 22 Garlies Road, Forest Hill,  
London SE23 2RT**

**Applicant/Tenant** : **Miss A A Hall**

**Respondent/  
Landlord** : **Southern Housing**

**Type of application** : **Application for a Fair Rent - Rent Act  
1977**

**Tribunal members** : **Judge Tagliavini  
Ms S Phillips MRICS**

**Date of hearing  
and venue** : **14 May 2024  
10 Alfred Place, London WC1E 7LR**

**Date of decision** : **14 May 2024**

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**DECISION**

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**Summary of the tribunal's decision**

1. The tribunal determines the Fair Rent to be registered with effect from 14 May 2024 is £157.11 per week (inclusive of variable service charges of £6.11 per week).
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**Background**

1. This is an application made by the applicant tenant seeking to appeal the fair rent registered by the Rent Officer of £150.00 per week (inclusive of £6.11 variable service charges) with effect from 4 January 2024.

2. The applicant tenant objected to the fair rent registered by the Rent Officer. She asserted she had carried out works of modernisation to the subject property and the landlord had been historically slow in carrying out repairs. The applicant also stated the proposed increase in rent was unaffordable for her due to her limited income.
3. The tribunal noted the landlord's confirmation that it had notified the applicant that any increase in rent was limited to 7.7% regardless of the new rent registered.
4. In determining the new fair rent, the tribunal is required to (i) calculate the fair rent payable starting with the market rent that would be payable for a similar property and (ii) to calculate the Maximum Fair Rent (MFR) that would be otherwise payable. It is the lower of the two figures that represents the new registered Fair Rent.
5. In this application, the tribunal considered comparable properties in Duncombe Hill SE23, Sunderland Road SE23 and Kirkdale SE26. The tribunal therefore determined a market rent for a similar property was £462 per week and therefore calculated the fair rent as follows:

**Market Rent calculation**

|   |               |
|---|---------------|
| Market rent:  | £462 per week |
| Less deductions for:  |               |
| Tenant's repair liability:                                      | 5%            |
| No white goods:   | 5%            |
| Unmodernised Kitchen<br>And bathroom (tenant's<br>Improvements: | 20%           |
| Poor repair and decorations:                                    | 10%           |
| No floor coverings/curtains:                                    | 5%            |

**Total deductions 45% (£254.10 per week)**

6. The tribunal considered the appropriate figure to apply for scarcity in the Greater London area to be 20% This left an adjusted market rent of **£203.28 per week**
7. However, the MFR (*see calculation sheet*) was calculated as £157.11 per week and this was registered as the fair rent payable with effect from 14 May 2024.

**Name:** Judge Tagliavini

**Date:** 14 May 2024

### **Rights of appeal**

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).

