



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

**Case Reference** : **LON/00BJ/F77/2024/0111**

**Property** : **63B Warriner Gardens, Battersea, London  
SW11 4DX**

**Tenant** : **Mr Sean McPhillips**

**Landlord** : **Southern Housing**

**Date of Objection** : **2nd January 2024**

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

**Tribunal** : **Mr D Jagger MRICS**

**Date of Summary  
Reasons** : **14 May 2024**

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**DECISION**

**The sum of £206 per calendar week will be registered as the fair rent with effect from 14 May 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 and relied on the information provided by the Rent Officer together with Google Street Maps and its expert knowledge.

### Evidence

3.. The Tribunal had copies of the Valuation Office Agency correspondence including the rent registers effective **31<sup>st</sup> December 2012** and the 7<sup>th</sup> December 2023 together with the calculations for the most recent registration.

The parties provided limited information in connection with the property and Reply Forms were not completed. No comparable evidence was provided by the parties.

### Determination and Valuation

4. Having consideration of our own expert, general knowledge of rental values in the Battersea area, we consider that the open market rent for the property in its current condition would be in the region of **£439** per calendar week (**£1,900** per month). From this level of rent we have made adjustments in relation to:

Terms of tenancy, no white goods, no carpets or curtains, which equates to approximately **20%**

5. The Tribunal has also made an adjustment for scarcity at **20%**

6. The full valuation is shown below:

<b>Market Rent</b>		<b>£439 pw</b>
<b>Less</b> (as above)	approx. <b>25%</b>	<b>£109.75</b>
		<i>Leaves: £329.25</i>
<b>Less</b> Scarcity	approx. <b>20%</b>	<b>£65.85</b>
		<i>Leaves: £263.40 pw</i>

7. **The Tribunal determines a rent of £206 per calendar week**

### Decision

8. The uncapped fair rent initially determined by the Tribunal, for the purposes of section 70, was **£263.40** per calendar week. The capped rent for the property according to the provisions of the Rent Acts (Maximum Fair Rent) Order 1999 is calculated at **£206.00** per calendar week. The calculation of the capped rent is shown on the decision form. In this case the lower rent of **£206.00** per calendar week is to be registered as the fair rent for this property.

9. It is often the case that rents determined by the Tribunal are in excess of those that may be charged by social landlords as it is a significant part of their remit to provide affordable housing. As such depending on the type of tenancy agreement their calculation of rent is either at a percentage of market rent or by way of index. Comparison is made with the open market rather than limited to other properties which are offered by social housing providers. It is assumed that the landlord will by usual convention of social landlord's not seek to increase the rent proposed in its original notice as a result of this determination

**Chairman: Duncan Jagger MRICS      Date: 14 May 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