



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

Case Reference : **LON/00BJ/F77/2024/0155
P:PAPERREMOTE**

Property : **Flat A 105 Queenstown Road London
SW8 3RQ**

Applicant : **Miss S Cole**

Respondent : **Southern Housing**

Date of Application : **21 February 2024**

Type of Application : **Determination of the registered rent
under Section 70 Rent Act 1977**

Tribunal : **Mrs E Flint FRICS**

**Date and venue of
Hearing** : **25 June 2024
remote on the papers**

DECISION

This has been a hearing on the papers which has been consented to by the parties. A face to face hearing was not held because no-one requested the same. The documents that I was referred to were in an electronic bundle the contents of which we have recorded.

The registered rent with effect from 25 June 2024 is £269.80 per week inclusive of £10.30 variable service charge.

Background

1. On 5 October 2023 the landlord applied to the rent officer for registration of a fair rent of £228.51 per week for the above property.
2. The registered rent at the date of the application was £169.22 per week which had been registered by the rent officer on 30 September 2014 with effect from 1 November 2014.
3. On 23 November 2023, the rent officer registered a fair rent of £265.80 per month inclusive of £10.30 variable service charge. with effect from the same date.
4. The tenant objected to the registered rent on 21 February 2024, the day after she has received the rent officer's determination. The tenant's late objection was accepted in the circumstances.
5. The tribunal issued Directions on 29 April 2024. No written representations were received from or on behalf of either the landlord or the tenant.
6. I have viewed the locality on streetview.

The Evidence

7. The property is a maisonette on the ground and first floors of a three storey Victorian terrace house on a main road and bus route, local shops are within a few minutes walking distance. The accommodation comprises four rooms, kitchen and bathroom and separate wc. The tenant also has a garden. There are two single and one double bedrooms. The tenant objected to the registered rent because it represented a large increase and there were ongoing repair issues with the property.

The Law

8. When determining a fair rent the tribunal, in accordance with section 70 of the Rent Act 1977, must have regard to all the circumstances including the age, location and state of repair of the property. It also must disregard the effect of any relevant tenant's improvements and the effect of any disrepair or any other defect attributable to the tenant or any predecessor in title under the regulated tenancy, on the rental value of the property. The Tribunal is unable to take into account the tenant's personal circumstances when assessing the fair rent.
9. In *Spath Holme Ltd v Chairman of the Greater Manchester etc Committee* (1995) 28 HLR 107 and *Curtis v London Rent Assessment Committee* (1999) QB 92 the Court of appeal emphasised:

That ordinarily a fair rent is the market rent for the property discounted for scarcity i.e. that element, if any, of the market

rent, that is attributable to there being a significant shortage of similar properties in the wider locality available for letting on similar terms to that of a regulated tenancy, and

That for the purposes of determining the market rent, assured tenancy market rents are usually appropriate comparables; adjusted as necessary to reflect any relevant differences between the comparables and the subject property.

Valuation

10. In the first instance I determined what rent the landlord could reasonably be expected to obtain for the property in the open market if it were let today in the condition and on the terms considered usual for such an open market letting. As no evidence had been provided by either party I relied on my own general knowledge of rental values in Battersea and concluded that the likely market rent for the property in fully refurbished condition would be £600 per week.
11. However, it was first necessary to adjust the hypothetical rent of £600 to allow for the differences between the terms and condition considered usual for such a letting and the condition of the actual property at the valuation date, ignoring any tenant's improvements, (disregarding the effect of any disrepair or other defect attributable to the tenant or any predecessor in title). I determined that the hypothetical rent should be reduced by £200 to reflect the difference the lack of central heating and modernisation, carpets, curtains and white goods and the terms and conditions of the tenancy.
12. This leaves an adjusted market rent for the subject property of £400 per week. I am of the opinion that there is substantial scarcity for similar properties in Greater London and therefore made a deduction of 20% from the adjusted market rent to reflect this element. The uncapped fair rent is £320 per week plus £10.30 per week variable service charge.

Decision

13. The uncapped fair rent initially determined by me, for the purposes of section 70, is above the maximum fair rent of £269.80 per week inclusive of £10.30 variable service charge calculated under the Rent Acts (Maximum Fair Rent) Order 1999. Therefore, the rent will be capped under the provisions of the Order.
19. Accordingly, the sum of £269.80 per week will be registered as the fair rent with effect from 25 June 2024 being the date of my decision. The fair rent is the maximum rent which may be charged, however housing association's are bound by other rules regarding annual increases, details will be available from the landlord.

Chairman: Evelyn Flint

Dated: 25 June 2024

ANNEX - 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 should be made on Form RP PTA available at <https://www.gov.uk/government/publications/form-rp-pta-application-for-permission-to-appeal-a-decision-to-the-upper-tribunal-lands-chamber>

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. Please note that if you are seeking permission to appeal against a decision made by the Tribunal under the Rent Act 1977, the Housing Act 1988 or the Local Government and Housing Act 1989, this can only be on a point of law.

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

