



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

Case Reference : **CAM/09UC/F77/2023/0048
P:PAPERREMOTE**

Property : **42 Water End Eversholt Milton
Keynes MK17 9EA**

Applicant : **Mr A E Sibley**

Representative : **Mr P A Gregory**

Respondent : **The Trustees of the Eversholt
Parochial Charity**

Representative : **Carter Jonas**

Date of Application : **10 October 2023**

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

Tribunal : **Mrs E Flint FRICS**

Date and venue of : **15 December 2023
Remote hearing on
the papers following an inspection on
11 December 2023**

DECISION

The registered rent with effect from 15 December 2023 is £9, 550 per year.

Background

1. On 18 July 2023 the landlord applied to the rent officer for registration of a fair rent of £9,000 per year for the above property.
2. The rent at the date of the application was £8,033.50 per year which had been registered by the rent officer on 21 April 2020, with effect from 30 April 2020.
3. On 4 September 2023, the rent officer registered a fair rent of £10,400 per year with effect from the same date.
4. On 10 October 2023 the tenant objected to the registered rent.
5. The tribunal issued Directions on 18 October 2023. The landlord and the tenant made written representations which were copied to the other party.

The Evidence

6. The tenant's representative stated that the increase was excessive. The tenant had been willing to accept the landlord's proposal of £9,000 per year. However, he had been astonished to receive an increase to £10,400. Mr Sibley had been in occupation for some fifty years. He had installed the central heating and upgraded it twice, and modernised the bathroom/wc.
7. The property is situated in a small village without the benefit of a regular bus service. Shopping was available in Flitwick, a car journey away.
8. The landlord's agent provided a brief description of the property and referred to a number of comparable properties.
9. The registered rent for the adjacent house was £10,620. No details were provided regarding the level of modernisation.
10. In Lower Rads a good standard 2 bedroom house had been let for £14,400 per year and in Higher Rads a 4 bedroom, 2 bathroom house in a good condition for £21,000 per year.
11. In Flitwick, the nearest town, the rents for 2 or 3 bedroom houses ranged from £13,200 to £16,800 per year.

The Inspection

12. I inspected the property on the afternoon of 11 December in the company of the tenant and his wife. The property is a compact semi-detached house with single garage and a tenant's brick built shed situated in an isolated location on the outskirts of Evershot on a good size plot overlooking open farmland. The railway station and Flitwick town centre are about 4 miles distant.

13. Externally the woodwork requires attention. Internally the accommodation comprises on the ground floor a living room, kitchen and bathroom/wc. Steep stairs lead from the living room to the first floor where there are three bedrooms: one small double and two singles. The head height over the staircase is limited over the winders and the tenant has provided a handrail. The kitchen was refitted by the landlord in 2018. The white goods are the tenant's. The tenant replaced a small side window in the living room with patio doors overlooking the side garden and the old, wooden front door which was in poor condition with a glazed door.

The Law

14. 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.
15. 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

16. 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 that is considered usual for such an open market letting. As the landlord had not provided any but the most basic information regarding the comparables I have assumed that they are all in a good condition, fully double glazed, centrally heated with modern kitchens, including white goods, modern bathrooms with either wooden or laminate floors or carpeted as is the norm for lettings on Assured Shorthold Tenancies where the property is described as of a good standard.
17. The nearest comparable is the other half of the semi detached. However, relying on a Registered rent is not good evidence as there is no information as to how the rent was arrived at, the condition of the

property and it is not evidence of a market rent. I did note however that number 41 had a conservatory to the rear of the property and appeared to be in good condition and that the rent register states that the property is centrally heated.

18. The comparables in Flitwick all have access to town centre amenities including shops, schools, leisure facilities, a rail station and a local bus service and consequently would appeal to a wider market.
19. I have therefore determined that if the subject property was available on the open market and in a similar condition to the comparables it would let for £12,750 per year to reflect the isolated location and compact nature of the house.
20. However, it was first necessary to adjust the hypothetical rent of £12,750 per year 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 £3,200 to reflect the tenant's improvements, the difference in the terms of the tenancy, the condition of the property, the lack of carpets, curtains and white goods which are usually provided on the open market.
21. This leaves an adjusted market rent for the subject property of £9,550 per year. I am of the opinion that there is not substantial scarcity for similar properties in the rural areas of Buckinghamshire and therefore made no deduction for scarcity. The uncapped fair rent is £9550 per year.
22. In order to ascertain whether the Rent Acts (Maximum Fair Rent) Order 1999 applied I calculated the registered rent in accordance with the Order, the resultant figure of £1,078 is above the uncapped fair rent, therefore the Rent Acts (Maximum Fair Rent) Order 1999 does not apply.

Decision

19. Accordingly, the sum of £9550 per year will be registered as the fair rent with effect from 15 December 2023 being the date of my decision.

Chairman: Evelyn Flint

Dated: 15 December 2023

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).