



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

Case Reference : **GB/LON/00AW/F77/2024/0232**

Property : **Flat 6, 1 Earls Terrace , London, W8
6LP**

Tenant : **Ms Suzanne Padley**

Landlord : **Ms Thea Cleminshaw**

Date of Objection : **7 June 2024**

Type of Application : **Rent Act 1977**

Tribunal : **Ian B Holdsworth FRICS
RICS Registered Valuer 079475
Mr Nat Miller BSc**

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

DECISION

The sum of £2015.50 per month will be registered as the fair rent with effect from 14 October 2024, being the date, the Tribunal made the Decision.

SUMMARY REASONS

Background

1. Following an objection from the Landlord 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 and Hearing

2. The Tribunal inspected the property on 14 October 2024 prior to a hearing attended by Ms Padley, her representative Mr Judd and Ms Cleminshaw. All parties provided oral evidence on the condition of the property and recent improvements to the dwelling. Ms Cleminshaw offered the tribunal contemporaneous comparable rental transaction evidence.

3. Ms Cleminshaw told the tribunal she owned all six properties at No 1 Earls Terrace and that she had recently let at market rents flats Nos 1,2,3 and 5. All lettings were within the last 12 months. Details of the achieved market rentals are given below in table 1. She also advised the gross internal area (GIA) of flat no 6 is 685ft². It is assumed the rents achieved at the recent lettings reflect all the features of the location including access to the community gated garden.

Table 1: Recent rents achieved for lettings at No 1 Earls Terrace

Analysis of recent lettings at no 1 Earls Terrace				
Flat No	GIA (Ft2)	Rent pw	Rent pm	Rent per foot pm
1	375	430	£1,863	4.97
2	555	600	£2,600	4.68
3	800	850	£3,683	4.60
5	555	692	£2,999	5.40
			Average	£4.92

Evidence

4. There were written submissions from both the parties which were reviewed and considered prior to the hearing.

Determination and Valuation

5. Having consideration of our own expert, general knowledge of rental values in the area and the analysis of the comparable rental evidence provided by the landlord, we consider that the open market rent for the property in a satisfactory condition would be in the region of £3,340 per month. This is equivalent to a rent of £4.92 per ft² multiplied by the gross internal area of flat 6 at 685 ft².

6. From this level of rent we have made adjustments to reflect any tenant improvements, disrepair and obsolescence at the property. The position of the flat accessed from narrow stairs at the top of the building is also reflected in the

achievable rent. Details of the adjustments made are shown in the valuation table below.

7. The Tribunal has also made an adjustment for scarcity.

8. The full rental valuation is shown below:

Table 2: Fair rent valuation

Property: 1 Earls Terrace Flat 6 London W8 6LP			
Fair rent calculation in accordance with s(70) Rent Act 1977			
Market rent	£3,340.00	per month	
Disregards		Deduction per month	as % of rent per month
Carpets , curtains white, goods, soft furnishing	£167.00		5.00%
Internal decoration liability	£167.00		5.00%
Dilapidations and obsolescence		Deduction per month	as % of rent per month
Internal wall surfaces with minor fractures	£83.50		2.50%
Improvements undertaken by tenant		Deduction per month	as % of rent per month
None advised			
	Total deductions	£250.50	12.50%
	Adjusted Rent balance	£3,089.50	
Less Scarcity 20.00%		£617.90	
Adjusted Market Rent		£2,471.60	per month Uncapped rent
Capped rent in accordance with		£2,015.50	per month Capped rent
<i>Rent Acts (Maximum Fair Rent) Order 1999</i>			

9. The Tribunal determines a rent of £2,015 per month.

Decision

10. The uncapped fair rent initially determined by the Tribunal, for the purposes of section 70, was £2,472 per month. The capped rent for the property according to the provisions of the Rent Acts (Maximum Fair Rent) Order 1999 is calculated at £2,015.50 per month. **The calculation of the capped rent is shown on the decision form.** In this case the lower rent of £2,015.50 per month is to be registered as the fair rent for this property.

Chairman: Ian B Holdsworth

Date: 14 October 2024

APPEAL PROVISIONS

You can only appeal this determination if the First-tier Tribunal decision was wrong on one or more points of law, and you must say why the First-tier Tribunal was wrong in law.

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