



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

Case Reference : **CAM/26UC/F77/2024/0028**

Property : **60A Akeman Street, Tring, Hertfordshire,
HP236AN**

Applicant : **Mr S Warren**

Respondent : **Mountview Estates PLC**

Type of Application : **Appeal against a fair rent set by the Rent
Officer.**

Tribunal Member : **Judge Shepherd
Marina Krisko FRICS**

Date of Reasons : **1st November 2024**

Reasons

Background

1. On the 14th August 2024 the Rent Officer registered a fair rent of £196 per week.

2. On 29th August 2024 the tenant objected and the matter was referred to the Tribunal.

3. The Tribunal did not inspect but had previously inspected in September 2022. The Tribunal also considered the parties' submissions and information on the rent register.

Description of premises

4. This is a first - floor self - contained maisonette built in the 19th Century with its own entrance. There is no central heating. There are four rooms, a kitchen/diner, a bathroom and a WC. There is a storage area in the attic. The attic area was previously subject to severe water ingress which was affecting the lower floor. Its not clear if this disrepair was resolved. Heating is by electric radiators. The attic is accessed via a very steep set of narrow steps. The windows are sash throughout. There is surface electrical wiring. The kitchen is very basic. The bathroom is dated and the windows are in poor condition. The separate WC has a damaged lath and plaster ceiling and walls. There was previously evidence of damp on the outer walls, especially in the living room. Its not clear if this problem has been resolved.

5. The tenant has provided curtains and carpets.

6. Under the terms of the tenancy the landlord is liable for external repairs and decoration, and the tenant liable for internal repairs and decorations

The Law

7. When determining a fair rent the Tribunal, in accordance with the Rent Act 1977, section 70, must have regard to all the circumstances including the age, location and state of repair of the property. It must also disregard the effect of (a) any relevant tenant's improvements and (b) the effect of any disrepair or other defect attributable to the tenant or any predecessor in title under the regulated tenancy, on the rental value of the property. That section also requires the Tribunal not to take into account the personal financial and other circumstances of the tenant.

8. Ordinarily, a fair rent is the market rent for the subject property discounted for 'scarcity' (i.e. that element, if any, of the market rent that is attributable to there being a shortage of similar properties in the wider locality available for letting on similar terms – other than as to rent – to that of the regulated tenancy.

9. In *Spath Holme Ltd v Chairman of the Greater Manchester etc. Committee* (1955) 28 HLR 107 and *Curtis v London Rent Assessment Committee* (1999) QB 92 the Court of Appeal emphasised that section 70 means that:

10. Ordinarily a fair rent is the market rent for the subject property discounted for 'scarcity' and other matters.

11. For the purposes of determining the market rent, assured tenancy (market) rents are usually appropriate comparables. (These rents may have to be adjusted where necessary to reflect any relevant differences between these comparables and the subject property).

Determination and Valuation

8. In the first instance the Tribunal 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 that is considered usual for such an open market letting. I.e. with carpets, curtains, white goods and in good decorative condition, and with the tenant having some internal repairing obligations.

9. The Tribunal considered the market in the area where the property is situated from its own general knowledge, and had regard to the rents provided by the Rent Officer.

10. The Tribunal found that the market rent for the property in good condition on Assured Shorthold Tenancy would be in the region of £295 per week.

11. However, this is on the basis of a modern open market letting. The Tribunal adjusted the market rent to reflect the age and condition of the premises. A 25% deduction was considered appropriate. The Tribunal arrived at an adjusted market rent of £221 per week. This reflects the rent level that would be needed to attract a tenant.

12. The Tribunal then considered the question of scarcity. We were not provided with any specific evidence on this issue therefore the Tribunal relied upon its general knowledge and experience, and considered a large area of Western Hertfordshire, parts of Buckinghamshire, and South Bedfordshire. . We made a further deduction of 15% making a rent of £188 per week.

13. This is below the maximum fair rent that can be registered by virtue of the Rent Acts (Maximum Fair rent) Order 1999, (details provided on the back of the decision form).

Judge Shepherd

1st November 2024

ANNEX - RIGHTS OF APPEAL Appealing against the tribunal's decisions

1. A written application for permission must be made to the First-tier Tribunal at the Regional tribunal office which has been dealing with the case.
2. The application for permission to appeal must arrive at the Regional tribunal office within 28 days after the date this decision is sent to the parties.
3. 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.
4. The application for permission to appeal must state the grounds of appeal, and state the result the party making the application is seeking. All applications for permission to appeal will be considered on the papers
5. Any application to stay the effect of the decision must be made at the same time as the application for permission to appeal.

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Notice of the Tribunal Decision

Rent Act 1977 Schedule 11

Address of Premises

60A Akeman Street
Tring
Herts
HP23 6AN

The Tribunal members were

Judge Shepherd
Marina Krisko FRICS

Landlord

Mountview Estates plc

Tenant

Mr S Warren

1. The fair rent is

£188

Per

week

(excluding water rates and council tax
but including any amounts in paras
3&4)

2. The effective date is

1 November 2024

3. The amount for services included in
the rent is

Per

4. The amount for fuel charges (excluding heating and lighting of common parts) not counting for
rent allowance is

not applicable

Per

5. The rent is not to be registered as variable.

6. The capping provisions of the Rent Acts (Maximum Fair Rent) Order 1999 apply (please see
calculation overleaf)

7. Details (other than rent) where different from Rent Register entry

8. For information only:

(a) The fair rent to be registered is not limited by the Rent Acts (Maximum Fair Rent) Order 1999,
because it is below the maximum fair rent of £215.00 per week prescribed by the Order.

Chairman

Judge Shepherd

Date of decision

1 November 2024

