



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

**Case Reference** : **LON/00AY/F77/2024/0612**

**Property** : **51 Lavengro Road, London, SE27 9EQ**

**Tenant** : **Mrs Hilary Upjohn**

**Landlord** : **P J Webber and Mrs C Webber**

**Date of Objection** : **2 August 2024**

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

**Tribunal** : **Mr A Harris LLM FRICS FCI Arb**

**Date of Reasons** : **20 November 2024**

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**DECISION**

**The sum of £392.50 per week (£1700 per month) will be registered as the fair rent with effect from 20 November 2024, being the date the Tribunal made the Decision.**

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## **REASONS**

### **Background**

1. The property has not previously been the subject of a registered rent so that the provision of the maximum fair rent order does not apply.
2. Following an application by the landlord the rent was registered on 17 July 2024 and effective from the same date at £340.20 per week.
3. Following an objection from the Landlord dated 24 July 2024 to the determination of the fair rent by the Rent Officer, the Tribunal has made a determination under the provisions of the Rent Act 1977.

### **Inspection**

4. The Tribunal did not inspect the property but considered this case on the basis of the papers provided by the parties.
5. The property is described on the rent registration certificate as a terraced House circa 1919 to 1944 with central heating and comprising 1 room, kitchen diner 1 WC on the ground floor, 3 rooms, kitchen, bathroom/WC on the first floor and 1 room on the second floor. There is a garden.

### **Evidence**

6. There were written submissions from the Landlord. No representations were made by the Tenant.
7. Four comparables were referred to by the Landlord.
  - 7 Towton Road – A late Victorian mid terrace house converted to flats with a three bedrooms and 2 bathrooms upper maisonnette. A letting has been agreed based on an asking rent of £2700 per month.
  - 7 Idmiston Road – a mid terrace flat fronted house of early Victorian construction with 3 bedrooms. A letting has been agreed based on an asking rent of £3300 per month.
  - 21 Tulsemere Road – a similar age and style to the subject property, mid terrace house with 3 bedrooms with a let agreed off an asking rent of £2200 per month
  - 55 Idmiston Road – a late Victorian 3 story house converted to flats. A 3 bedroom garden maisonette is reported to be let off an asking rent of £2500 per month.
8. The Landlord has analysed the rents by counting double bedrooms or equivalent to arrive at an average asking rent of £930.75 per double

bedroom. The Landlord has also allowed a 10% margin between quoting rents and those agreed.

9. The subject property is said to have 4 bedrooms although one is a single and the loft conversion is also counted as a single room due to reduced headroom. The subject house has central heating with a new gas boiler, double glazing and a garden. It cannot be less sought after than the comparables.
10. The Landlord has arrived at a market rent of £579.93 per week which has been adjusted by the same percentage used by the rent officer of 72.08% or ££418.00 per week (£1811 per month)

### **The Law**

11. When determining a fair rent in accordance with section 70 of the Rent Act 1977, the tribunal has regard to all the circumstances (other than personal circumstances) including the age, location and state of repair of the property.
12. 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 emphasized 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 - other than as to rent - to that of the regulated tenancy) and that 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 those comparables and the subject property.
13. The rent has not been previously registered, and the Rent Acts (Maximum Fair Rent) Order 1999 therefore does not apply.

### **Determination and Valuation**

14. The tribunal has relied on the comparables provided and our own expert, general knowledge of rental values in the area. We consider that the open market rent for the property in the condition and with the amenities the market would expect would be in the region of £2500.00 per month (£577 per week). From this level of rent we have made adjustments in relation to:
15.
  - a. No carpets curtains or white goods and probable dated kitchen and bathroom fittings given the tenancy started in 2006 and there is no reference to updating.

- b. The Tribunal found that there was substantial scarcity of letting property in the locality of Greater London and using its knowledge and experience made a deduction of 20% from the adjusted market rent.

16. The full valuation is shown below:

<b>Fair rent</b>			
		pm	PW
Market rent		£ 2,500.00	£ 576.92
less condition & terms	15%	<u>-£ 375.00</u>	<u>-£ 86.54</u>
adjusted rent		£ 2,125.00	£ 490.38
less scarcity off adj rent	20%	<u>-£ 425.00</u>	<u>-£ 98.08</u>
Fair rent		£ 1,700.00	£ 392.31

## Decision

17. The Tribunal determines a rent of £1700 per month (£392.31 per week) for the purposes of s70.

**Chairman: A Harris**

**Date: 20 November 2024**

## 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).