



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

Case Reference : **CAM/26UJ/F77/2024/0026
P:PAPERREMOTE**

Property : **10 Woodland Road Maple Cross
Rickmansworth WD3 9SU**

Applicant : **Mrs B Smith**

Respondent : **Marek Pilkington**

Date of Application : **24 September 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** : **11 December 2024
remote on the papers after an
inspection**

DECISION

This has been a hearing on the papers which has not been objected to by the parties. A face to face hearing was not held because, no-one requested the same and I determined that the matter could be dealt with on the papers. The documents which I was referred to were in a bundle the contents of which I have recorded.

The registered rent with effect from 11 December 2024 is £1060 per month.

Background

1. On 15 July 2024 the landlord applied to the rent officer for registration of a fair rent of £950 per month for the above property.
2. The registered rent at the date of the application was £916.50 per month which had been registered by the rent officer on 12 January 2021 with effect from the same date.
3. On 10 September 2024, the rent officer registered a fair rent of £1251.50 per month with effect from the same date.
4. The tenant objected to the registered rent on 24 September 2024.
5. The tribunal issued Directions on 7 October 2024. Written representations were received from the tenant, no representations were received from or on behalf of the landlord.

The Inspection

6. The property is a semi-detached house, built c1930 situated on a residential road of similar houses and very close to the entrance to a primary school. Rickmansworth town centre with its station and shopping centre is approximately 2.5 miles distant. The station is on both the Metropolitan underground line and Chiltern Railways overground line to Marylebone.
7. Externally the house is in fair condition, the roof is the original tiled roof, the windows and doors are upvc double glazed units. However, although the pebbledash around the windows was made good after the installation of the windows it has not been decorated to match the remainder of the painted pebbledash. The lower part of the pebbledash on the flank wall is in poor condition with areas missing or coming loose from the wall. The rainwater down pipe to the left of the front door which has recently been repaired discharges directly onto the garden adjacent to the bay of the lounge.
8. The accommodation on the ground floor comprises an open fronted porch leading into a narrow hall with doors off to the lounge, dining room and the kitchen. A door from the kitchen leads into the rear garden. The kitchen is dated and small with a limited range of units and work surfaces.
9. The first floor is approached via a relatively steep staircase with winders near the top. There are two double bedrooms, a box room and a bathroom/wc on the first floor. The main bedroom is a good size, the second bedroom is a small double.
10. Both the kitchen and bathroom fittings are dated. Many years ago the landlord supplied the kitchen units however the tenant had to fit them, this was also the case with the bathroom. The tenant had tiled the walls in both rooms. There was only one electric socket per room,

except in the lounge where there were two single sockets. The house is centrally heated by radiators fed by a gas fired boiler.

The Evidence

11. The tenant stated that there had been no repairs to the house since the last registration. The render on the flank wall required repair. There was damp in the living room.

The Law

12. 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.
13. 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

14. 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 neither party had provided any market evidence, I relied on my own general knowledge of rents within Maple Cross and concluded that if the house were in the condition usually found on the open market it would let for £1600 per month.
15. However, it was first necessary to adjust the hypothetical rent of £1600 per month 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 £350 to reflect the physical condition of the property, the lack of modernisation, carpets, curtains and white goods and difference in terms and conditions.

16. This leaves an adjusted market rent for the subject property of £1250 per month. I am of the opinion that there is substantial scarcity for similar properties in the Metropolitan commuter belt for London and therefore made a deduction of 15% for scarcity. The uncapped fair rent is £1060 per month.

17. The fair rent is the maximum rent the landlord may charge.

Decision

18. The uncapped fair rent initially determined for the purposes of section 70, is below the maximum fair rent of £1261.50 per month calculated under the Rent Acts (Maximum Fair Rent) Order 1999. Therefore, the rent will not be capped under the provisions of the Order.

19. Accordingly, the sum of £1060 per month will be registered as the fair rent with effect from 11 December 2024 being the date of my decision.

Chairman: Evelyn Flint

Dated: 11 December 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).

Notice of the Tribunal Decision

Rent Act 1977 Schedule 11

Address of Premises

10 Woodland Road Maple Cross
Rickmansworth Hertfordshire WD3 9SU

The Tribunal members were

Mrs E Flint FRICS

Landlord

Marek Pilkington

Tenant

Mrs B Smith

1. The fair rent is

£1060

Per

month

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

2. The effective date is

11 December 2024

3. The amount for services is

not applicable

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:

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 £1,261.50 per month prescribed by the Order.

Chairman

E Flint

Date of decision

11 December 2024

MAXIMUM FAIR RENT CALCULATION

LATEST RPI FIGURE	X	390.7
PREVIOUS RPI FIGURE	Y	294.6
X	390.7	Minus Y
		294.6
		= (A)
		96.1
(A)	96.1	Divided by Y
		294.6
		= (B)
		0.326205

First application for re-registration since 1 February 1999 NO

If yes (B) plus 1.075 = (C)	
If no (B) plus 1.05 = (C)	1.376205
Last registered rent*	£916.50
	Multiplied by (C) =
	£1,261.29
*(exclusive of any variable service charge)	
Rounded up to nearest 50p =	£1,261.50
Variable service charge	NO
If YES add amount for services	
MAXIMUM FAIR RENT =	£1,261.60
	Per
	month

Explanatory Note

1. The calculation of the maximum fair rent, in accordance with the formula contained in the Order, is set out above.
2. In summary, the formula provides for the maximum fair rent to be calculated by:
 - (a) increasing the previous registered rent by the percentage change in the retail price index (the RPI) since the date of that earlier registration and
 - (b) adding a further 7.5% (if the present application was the first since 1 February 1999) or 5% (if it is a second or subsequent application since that date).

A 7.5% increase is represented, in the calculation set out above, by the addition of 1.075 to (B) and an increase of 5% is represented by the addition of 1.05 to (B).

The result is rounded up to the nearest 50 pence.
3. For the purposes of the calculation the latest RPI figure (x) is that published in the calendar month immediately before the month in which the Tribunal's fair rent determination was made.
4. The process differs where the tenancy agreement contains a variable service charge and the rent is to be registered as variable under section 71(4) of the Rent Act 1977. In such a case the variable service charge is removed before applying the formula. When the amount determined by the application of the formula is ascertained the service charge is then added to that sum in order to produce the maximum fair rent.