



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

**Case Reference** : **LON/00AF/F77/2025/0023**

**Property** : **Flat 1, 55 Church Road, London, SE19  
2TE**

**Tenant** : **Mrs Mary Bailey**

**Landlord** : **The Hyde Group**

**Date of Objection** : **27 November 2024**

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

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

**Date of Summary  
Reasons** : **25 March 2025**

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**DECISION**

**The sum of £241.50 per week will be registered as the fair rent with effect from 25 March 2025, being the date the Tribunal made the Decision.**

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## **SUMMARY REASONS**

### **Background**

1. Following an objection from the Tenant 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**

2. The Tribunal did not inspect the property but considered this case on the basis of the papers provided by the parties.

### **Evidence**

3. The Landlord provided a reply form stating that the flat had 3 bedrooms living room kitchen and bathroom. The flat has central heating and double glazing provided by the landlord with carpets curtains and white goods supplied by the tenant. The form listed repairs and improvements made from 2007 to 2017. No tenancy agreement was supplied or details of services listed on the fair rent registration certificate.

The tenant made representations objecting to the level of fair rent registered and in particular to the addition of service charges for services which she does not receive and which have previously been excluded by previous rent officers. The flat is a basement flat with its own front door and separate from any common parts. There has been a history of disrepair. The flat will be hard to let.

### **Determination and Valuation**

4. In the absence of rental comparables provided by the parties the tribunal has relied on its 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 £405 per week. From this level of rent we have made adjustments in relation to:

No carpets curtains or white goods  
General condition

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

6. The full valuation is shown below:

<b>Fair rent</b>			
		PW	
Market rent		£	405.00
less condition & terms	15%	-£	<u>60.75</u>
adjusted rent		£	344.25
less scarcity off adj rent	20%	-£	<u>68.85</u>
Fair rent		£	275.40

7. The Tribunal determines a s70 rent of £275.00 per week.

### **Decision**

8. The uncapped fair rent initially determined by the Tribunal, for the purposes of section 70, was £275.00 per week. The capped rent for the property according to the provisions of the Rent Acts (Maximum Fair Rent) Order 1999 is calculated at £241.50 per week. The calculation of the capped rent is shown on the decision form. In this case the lower rent of £272.50 per week is to be registered as the fair rent for this property.

9. The tribunal notes that the previous rent registration did not include services and no evidence has been supplied to the tribunal that services are provided to the flat and that the service charge is applicable. The tribunal therefore excludes service charges from the registration.

10. The tribunal notes that the rent paid by the tenant may be a social rent which can only be increased by the rise in the Consumer Prices Index plus 1%. The jurisdiction of the tribunal is limited to finding a fair rent as set out in the Rent Act and it has no power over the level of a social rent. If applicable it is the lower of the social rent and fair rent which is due from the tenant.

**Chairman: A Harris**

**Date: 25 March 2025**

## **APPEAL PROVISIONS**

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