



FIRST - TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference : BIR/17UF/F77/2024/0628

Property : 204 Bakewell Road Matlock Derbyshire
DE4 3BA

Tenant : Mr PW & Mrs EA Ulyatt

Landlord : Mr T Pownall & J N Rowen Ltd

Landlord's agent : Nicholas Richardsons

Type of Application : Section 70 Rent Act 1977

Tribunal Members : V Ward BSc Hons FRICS Regional Surveyor
Judge David R Salter

Date of Decision : 7 April 2025

DECISION

The sum of £123.00 per week will be registered as the fair rent with effect from 7 April 2025 being the date the Tribunal made the Decision.

REASONS FOR THE DECISION

Background

1. The Rent Officer registered a rental of £115.00 per week on 3 October 2024, effective from the same date. Following an objection from the Tenants 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 has not carried out an inspection of the Property. Accordingly, the Tribunal has considered this case on the basis of the papers provided by the parties and having regard to its own knowledge, expertise and online research.

Evidence

3. The Tenant returned the Tribunal's Reply forms. These combined with the Tribunal's own research, confirmed essential details of the Property as a mid-terraced ex local authority house with gas central heating and double glazing with the following accommodation:

Ground Floor: One reception room, kitchen;

First Floor: Three bedrooms, bathroom;

Outside: Gardens and store.

The Landlord advised that they were happy to rely on the Tribunal's judgement as it saw fit.

Neither party provided comparable rental evidence.

Determination and Valuation

4. From the Tribunal's own expert knowledge of rental values in the area, the Tribunal considers that the open market rent for the Property in a satisfactory condition would be in the region of £750.00 per calendar month (i.e. £173.00 per week). From this level of rent, the Tribunal has made adjustments in relation to the following:
 - a) Curtains, carpets and white goods fitted by the Tenant.
 - b) The Tenant's liability to redecorate.
5. The Tribunal has also made an adjustment for scarcity using its own general knowledge and experience. The Tribunal considers that in the wider geographical area there is an imbalance of supply and demand impacting on rental values and has, therefore, has made a deduction of 15% for scarcity.

6. The full valuation is shown below:

| | | |
|--|--------------|----------------------------|
| Market Rent | | Per week <u>£173.00</u> |
| <u>Less</u> | | |
| a) Items given under a) above | £20.00 | |
| b) Tenant's internal decoration liability @ 5% | <u>£8.65</u> | <u>£28.65</u> |
| | | £144.35 |
| <u>Less</u> | | |
| Scarcity @ 15% | | <u>£21.65</u> |
| | | £122.70 |
| Say | | <u>£123.00</u> |

Decision

7. Therefore, the Tribunal determines the Fair Rent as £123.00 per week with effect from 7 April 2025.
8. The maximum fair rent permitted by the Rent Acts (Maximum Fair Rent) Order 1999 is £136.00 per week. This, therefore, has no impact on the rent determined by the Tribunal. The calculation of the capped rent is shown on the decision form.

Chairman: V Ward

Date: 7 April 2025

APPEAL PROVISIONS

If either party is dissatisfied with this decision, they may apply for permission to appeal to the Upper Tribunal (Lands Chamber) on any point of law arising from this Decision. Prior to making such an appeal, an application must be made, in writing, to this Tribunal for permission to appeal. Any such application must be made within 28 days of the issue of this statement of reasons (regulation 52 (2) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013) stating the grounds upon which it is intended to rely in the appeal.

Notice of the Tribunal Decision

Rent Act 1977 Schedule 11

Address of Premises

204 Bakewell Road Matlock Derbyshire
DE4 3BA

The Tribunal members were:

V Ward BSc Hons FRICS
Judge David R Salter

Landlord

T Pownall & JN Rowen Ltd

Tenant

PW & EA Ulyatt

1. The fair rent is

£123.00

Per

week

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

2. The effective date is

7 April 2025

3. The amount for services is

-

Per

-

/not applicable

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

-

Per

-

/ not applicable

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

6. The capping provisions of the Rent Acts (Maximum Fair Rent) Order 1999 do not 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 £136.00 per week permitted by the Order.

Chairman

V Ward

Date of decision

7 April 2025

MAXIMUM FAIR RENT CALCULATION

| | | | | | |
|----------------------------|----------|---------------------|-------|--------------|-------------|
| LATEST RPI FIGURE | X | 394.0 | | | |
| PREVIOUS RPI FIGURE | Y | 314.3 | | | |
| X | 394.0 | Minus Y | 314.3 | = (A) | 79.7 |
| (A) | 79.7 | Divided by Y | 314.3 | = (B) | 0.253579383 |

First application for re-registration since 1 February 1999 YES/NO

If yes (B) plus 1.075 = (C)

If no (B) plus 1.05 = (C) 1.303579383

Last registered rent* £104.00 **Multiplied by (C) =** £135.57

*(exclusive of any variable service charge)

Rounded up to nearest 50p = £136.00

Variable service charge **NO**

If YES add amount for services

MAXIMUM FAIR RENT = **£136.00** **Per** **week**

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.