



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

**Case Reference** : **BIR/00CT/F77/2024/0634**

**Property** : **31 Onslow Crescent Solihull B92 8RH**

**Tenant** : **Mrs P I Hale**

**Landlord** : **West Ella Estates Limited**

**Date of Objection** : **11<sup>th</sup> November 2024**

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

**Tribunal Members** : **T. Wyn Jones. FRICS  
Vernon Ward. FRICS  
Philip Morris. FRICS**

**Date of Decision** : **13<sup>th</sup> February 2025**

---

**DECISION**

**The sum of £727.00 per month will be registered as the fair rent with effect from 13<sup>th</sup> February 2025 being the date the Tribunal made the Decision.**

---

## **REASONS FOR THE DECISION**

### **Background**

1. On 31<sup>st</sup> October 2024, the Rent Officer registered a rent of £723.00 per calendar month, effective from 6<sup>th</sup> December 2024. Following an objection from the Landlord 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 and having regard to its own knowledge, expertise and online research.

### **Evidence**

3. The Tribunal has considered the written submissions provided by the Landlord and the information provided by the Rent Officer. From said information it appears that the subject property comprises a semi-detached, 3-bedroom, double-glazed and centrally heated dwelling with rear garden area together with tarmacadam surfaced off-road parking for 3 vehicles to the front.
4. The Tribunal notes that the white goods, carpets & curtains have been provided by the Tenant.
5. The property has various issues/requires remedial works to include:-
  - Poorly fitted uPVC windows and external doors allowing drafts,
  - The single bedroom is very small and houses the valiant central heating boiler,
  - damp under the window and cracked walls in bedroom 2
6. The Tenants have carried out improvements including:-
  - Installation of gas fires in both living rooms and a gas heater in the hallway
  - Installation of Kitchen cupboards and worktops
  - Replaced internal ground floor door,
  - Tarmacked front drive to provide parking for three vehicles.
  - Fitted carpets and curtains
7. The Tenant has not submitted any comparable evidence. The Landlord has provided extracts of comparable open market lettings ranging from £1,250 to £1,450 per calendar month, Rightmove information, and a confirmation email from Dixons Countrywide in respect of the letting of 207 Castle Street on 25<sup>th</sup>

November 2024 for £1,450 per calendar month and Black & Golds agency email in respect of the letting of 869 Old lode Lane for £1350 per calendar month in August 2024.

## Determination and Valuation

8. On consideration of the comparable evidence provided by the Landlords, that information forwarded by the Rent Officer and 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 £1,400 per month. From this level of rent, the Tribunal has made adjustments in relation to the following:

- a) The condition of the property
- b) Improvements made by the Tenant including kitchen and tarmacking the front drive
- c) Curtains, carpets, and white goods fitted by the Tenant.
- d) The Tenant's liability to redecorate.

9. The Tribunal has also made an adjustment for scarcity using their 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, made a reduction of 15% for scarcity.

10. The full valuation is shown below:

		Per month
Market Rent		£1400
<u>Less</u>		
a) Items given under a) above	£250	
b) Items given under b) above	£80	
c) Items given under c) above	£80	
d) Tenant's internal decoration liability @ 5%	£70.00	
<u>Less</u>		
Scarcity @ 15%	£148.50	<u>£628.50</u>
		£771.50

11. The Tribunal determines an uncapped fair rent of £771.50 per month on adopting scarcity at 15% of the amended rent following consideration of s70 (3) Rent Act 1977.

## **Decision**

12. The uncapped fair rent determined by the Tribunal, for the purposes of section 70, is therefore £771.50 per month, however the maximum fair rent permitted by the Rent Acts (Maximum Fair Rent) Order 1999 is £727.00 per month which therefore limits the fair rent to be registered. The calculation of the capped rent is shown on the decision form.
13. The rent to be registered is therefore £727.00 per calendar month with effect from 13<sup>th</sup> February 2025.

**Chairman: T. Wyn Jones**

**Date: 13<sup>th</sup> February 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

**31 Onslow Crescent Solihull B92 8RH**

The Tribunal members were

**T. Wyn Jones. FRICS  
Vernon Ward. FRICS  
Philip Morris. FRICS**

Landlord

**West Ella Estates Limited**

Tenant

**Mr P Hale**

1. The fair rent is

**£727.00**

Per

**month**

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

2. The effective date is

**13<sup>th</sup> February 2025**

3. The amount for services is

**N/A**

Per

**-**

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

**N/A -**

Per

**-**

5. The rent is/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 the maximum fair rent as prescribed by the Rent Acts (Maximum Fair Rent) Order 1999. The rent that would have otherwise been registered was £771.50 per month.

Chairman

**T. Wyn Jones.  
FRICS**

Date of decision

**13<sup>th</sup> February 2025**

## MAXIMUM FAIR RENT CALCULATION

<b>LATEST RPI FIGURE</b>		<b>X</b>	392.1		
<b>PREVIOUS RPI FIGURE</b>		<b>Y</b>	358.3		
<b>X</b>	392.1	<b>Minus Y</b>	358.3	<b>= (A)</b>	33.80
<b>(A)</b>	33.80	<b>Divided by Y</b>	358.3	<b>= (B)</b>	0.0943

**First application for re-registration since 1 February 1999 - NO**

If yes (B) plus 1.075 = (C)			
If no (B) plus 1.05 = (C)	1.1443		
Last registered rent* exclusive of any variable service charge)	£635.00	Multiplied by (C) =	£726.65
Rounded up to nearest 50p =	£727.00		
Variable service charge	NO		
If YES add amount for services			
MAXIMUM FAIR RENT =	£727.00	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.