



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

Case Reference : **LON/00BK/F77/2025/0103**

Property : **23 Marlborough Place, London, NW8
oPG**

Tenant : **Mr & Mrs Z Haim**

Landlord : **The Eyre Estate**

Date of Objection : **21 January 2025**

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

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

**Date of
Reasons** : **20 May 2025**

DECISION

The sum of £66,000 per year will be registered as the fair rent with effect from 20 May 2025, being the date the Tribunal made the Decision.

REASONS

Background

1. 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.

Evidence

3. The landlord has provided written submissions noting that the new registered rent by the Rent Officer shows an increase of 0.38% compared with the previous registration. In the period between January 2022 and January 2025 the retail prices index rose by 23%. Savills rental index for houses in the St John's Wood area grew by 18.19% over the same period. 23 Marlborough Place is that have a floor area of 3552 ft.² and the registered rent represents £15.41 per square foot. The tenant is responsible for all repairs and insurance.
4. The representations include details of four comparable lettings in immediate vicinity.

25 Marlborough Place is a house of 4465 ft.² let on 21 May 2024 at a rent of 260,000 per annum. This represents £58.23 per square foot. The terms of the tenancy are not given.

53 Clifton Hill NW8 was let on 16 October 2023 and is described as a large four-storey modernised house. Does a floor area of 2133 ft.² and let at a rent of £135,200 per year which breaks down to £63.38 per square foot. Again the terms of the tenancy are not given.

18 Queens Grove NW8 was let on 15 January 2023 and has a floor area of 2034 ft.². It is a modernised four-bedroom house let at a rent of £124,800 per annum representing £61.36 per square foot. The terms of the tenancy have not been given.

62a Marlborough Place and W8 was let on 29 July 2024 and is modernised four-storey house furnished. It is significantly smaller floor area of 1904 ft.² and was let for a rent of £130,776 per annum. This represents £68.32 per square foot. The terms of the tenancy have not been given.

5. In reply, the tenant stated that it was difficult to understand how an increase could be justified given the long-standing tenancy and unique

circumstances surrounding the property. The tenants purchased the lease 34 years ago when it had an unexpired term of 11 years. Since then they have invested £1 million in maintaining repairing and improving house. There have been significant structural issues over the years including subsistence and rising dampness and boundary wall between numbers 21 and 23 was completely rebuilt.

Determination and Valuation

6. In the absence of the terms of the tenancies of the rental comparables provided by the landlord, the tribunal is unable to place any weight on that evidence. The tribunal notes the general level of growth in rental values in the St John's Wood area. 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 on a standard assured shorthold tenancy, in the condition and with the amenities the market would expect would be in the region of £165,000 per year. From this level of rent we have made adjustments in relation to:

- a. No carpets curtains or white goods
- b. a full repairing lease

The Tribunal has also made an adjustment for scarcity.

7. The full valuation is shown below:

Fair rent		PA
Market rent		£ 165,000.00
less FRI terms	50%	<u>-£ 82,500.00</u>
adjusted rent		£ 82,500.00
less scarcity off adj rent	20%	<u>-£ 16,500.00</u>
Fair rent		£ 66,000.00

8. The Tribunal determines a s70 rent of £66,000.00 per year.

Decision

9. The uncapped fair rent initially determined by the Tribunal, for the purposes of section 70, was £66,000 per year. The capped rent for the property according to the provisions of the Rent Acts (Maximum Fair Rent) Order 1999 is calculated at £70,600.50 per year. The calculation of the capped rent is shown on the decision form. In this case the lower rent of £66,000 per year is to be registered as the fair rent for this property.

Chairman: A Harris

Date: 20 May 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 request for full reasons should be made within a month. Any subsequent application for permission to appeal should be made on Form RP PTA