



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

Case reference : **FR/LON/00AG/F77/2025/0128**

Property : **1st Floor Flat, 33 Fitzroy Road, London,
NW1 8TP**

Landlord : **Alra Properties Ltd**

Tenant : **Miss S Golden**

Date of objection : **11 February 2025**

Type of application : **Determination of the registered rent
under Section 70 Rent Act 1977**

**Tribunal
member(s)** : **Mr O Dowty MRICS
Mr C Piarroux**

Venue : **10 Alfred Place, London, WC1E 7LR**

Date of decision : **18 June 2025**

REASONS FOR DECISION

DECISION

1. The sum that will be registered as a fair rent with effect from **18 June 2025** is **£812 per calendar month**.

Background

2. The Landlord applied to the Rent Officer for the registration of a fair rent for this property on **24 October 2024**.
3. An (uncapped) fair rent of **£864 per calendar month** was registered on **13 December 2024** following the application, such rent to have effect from that date. The tenant subsequently challenged the registered rent on **11 February 2024**, and the Rent Officer requested the matter be referred to the tribunal for determination.
4. Directions were issued on **24 April 2025** by the Tribunal. The parties were directed to provide reply forms, and invited to submit any relevant information and submissions. The tenant provided a reply form and further submissions. The landlord provided neither a reply form nor any other submissions.
5. In their reply form, the tenant indicated that she wished the Tribunal to hold a hearing in this matter, but did not require an inspection. Accordingly, the Tribunal arranged for a face-to-face hearing at 10 Alfred Place, London, WC1E 7LR in this matter on **18 June 2025**.

The Property

6. The property is located on the 1st floor of a larger, period building on Fitzroy Road. Fitzroy Road runs between Regent's Park Road (on the Eastern side of Primrose Hill itself) and Gloucester Avenue in the desirable Primrose Hill area of the London Borough of Camden.
7. The property, we were told in uncontested evidence, is a studio flat with a bathroom and kitchen (though we note the tenant had incorrectly used the term 'bedsit' instead of studio flat which we clarified with her at the hearing). The living/sleeping area measures approximately 5 x 4 meters. The fixtures of the bathroom and kitchen are basic and have not been updated since at least 1982. The tenant provided the white goods in the kitchen, as well as the carpets and curtains at the property. The property is single glazed and does not have central heating.
8. The condition of the property, we were told, has not changed since the last registration – and in any case the tenant is responsible for internal decorations and repairs.

The Hearing

9. We held a face-to-face hearing in this matter on **18 June 2025**, which was attended by the tenant Ms Golden alongside her friend Mr G Fox, but not the landlord. The Tribunal had received no contact from the landlord at all in this matter, and after allowing a few minutes for potential lateness we proceeded with the hearing; having considered that the landlord had been given sufficient notice of the hearing and that it was in the interests of justice to proceed.
10. The absence of the landlord aside, though this is by no means unusual in these matters, the hearing was a straightforward one. We were told that the condition of the property was largely unchanged since the last registration. The property does not have central heating nor double glazing, and the fixtures provided in the bathroom and kitchen are very basic.
11. Ms Golden and Mr Fox had prepared submissions regarding the valuation, to assist us, though were visibly relieved when we told them that they didn't have to 'prove a case' as regards the value, and that the Tribunal's role was to determine a rent with the assistance of the submissions of the parties.
12. Mr Fox had conducted a wide-ranging review of the residential market in Central London, including his view that the rental market in the area was becoming negative. We were grateful for those submissions, but they were general observations and there was nothing really in them which assisted in the valuation of the property directly; or, in truth, advanced further than our existing knowledge of the rental market in the area as an expert Tribunal.
13. There was also discussion of the maximum fair rent order, and the tenant's concerns about setting some form of new 'base line' in relation to this. In truth, though, these submissions were (and we say this in the nicest possible way, as we are aware that Ms Golden and Mr Fox were simply trying their best with what they had available to them) a little ill-informed about how the fair rent systems works; though we note this was not helped by the Valuation Office Agency's Rent Officer apparently referring the tenant to the maximum fair rent capping provisions, given those provisions didn't have any bearing on the rent the Rent Officer determined.

The Law

14. When determining the fair rent, in accordance with the Rent Act 1977, section 70, "the Act", we had regard to all the circumstances (other than personal circumstances) including the age, location and state of repair of the property. We also disregarded the effect of (a) any relevant tenant's improvements and (b) the effect of any disrepair or

other defect attributable to the tenant or any predecessor in title under the regulated tenancy, on the rental value of the property.

15. In **Spath Holme Ltd v Chairman of the Greater Manchester etc. Committee (1995)** and **Curtis v London Rent Assessment Committee [1999]** the Court of Appeal emphasised that ordinarily a fair rent is the market rent for the property discounted for 'scarcity'. This is 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.
16. **Curtis v London Rent Assessment Committee (1999) QB.92** is a relevant authority in registered rent determination. This authority states where good market rental comparable evidence i.e., assured shorthold tenancies is available enabling the identification of a market rent as a starting point it is wrong to rely on registered rents. The decision provides that: *"If there are market rent comparables from which the fair rent can be derived why bother with fair rent comparables at all"*.
17. The market rents charged for assured tenancy lettings often form appropriate comparable transactions from which a scarcity deduction is made.
18. These market rents are also adjusted where appropriate to reflect any relevant differences between those of the subject and comparable rental properties.
19. The Upper Tribunal in **Trustees of the Israel Moss Children's Trust v Bandy [2015]** explained the duty of the First Tier Tribunal to present comprehensive and cogent fair rent findings. These directions are applied in this decision.
20. **The Rent Acts (Maximum Fair Rent) Order 1999** applies to all dwelling houses where an application for the registration of a new rent is made after the date of the Order and there is an existing registered rent under part IV of the Act. This article restricts any rental increase to **5%** above the previously registered rent plus retail price indexation (RPI) since the last registered rent. The relevant registered rent in this matter was registered on **31 March 2022** at **£743 per calendar month**. The rent registered on **13 December 2024** subject to the current objection and subsequent determination by the Tribunal is not relevant to this calculation.

Valuation

21. In terms of the valuation itself, we weren't provided with any comparable transactional evidence to consider. Instead, we were provided with the general market commentary provided by Mr Fox outlined above, and the tenant highlighted that the rent registered by the Rent Officer represented a **16.5%** uplift from that registered 2

years before, or an **8.25%** per annum increase (though we note, of course, the latter is not strictly correct because of the compounding of the increases). That increase, they averred, seemed too high – and it suggested to them something was wrong.

22. We were also provided with the rent registrations of 4 properties in the local area, though as we said at the time these carry no weight in the valuation of the subject – in line with the decision in *Curtis v London Rent Assessment Committee* referred to in paragraph 15 above – as the property is located in an area with an active transactional rental market.
23. Accordingly, we considered the valuation of the property in line with our own general knowledge of rental levels in the local area as an expert Tribunal. We considered that the property would let for approximately **£1,400 per calendar month**, were it let on the open market in the condition, and on the terms considered usual for such a letting.
24. This hypothetical rent is adjusted as necessary to allow for the differences between the terms and conditions considered usual for such a letting and the condition of the actual property at the date of the determination. Any rental benefit derived from Tenant's improvements is disregarded. It is also necessary to disregard the effect of any disrepair or other defects attributable to the Tenant or any predecessor in title.
25. The lease terms of the tenancy are such that the tenant is responsible for internal repairs and decoration at the property. This is a material valuation consideration, and we made a deduction of **7.5%** from the hypothetical rent to reflect these lease terms.
26. We made a deduction of **5%** to account for the kitchen and bathroom at the property being basic and dated.
27. We made a deduction of **5%** to account for the tenant's having provided the white goods, carpets, curtains and other similar furniture which would usually be provided by a landlord in the open market.
28. We made a **10%** deduction to account for the property being single glazed and not having central heating.
29. The provisions of section 70(2) of the Rent Act 1977 in effect require the elimination of what is called "scarcity". The required assumption is of a neutral market. Where a Tribunal considers that there is, in fact, substantial scarcity, it must make an adjustment to the rent to reflect that circumstance. In the present case neither party provided evidence with regard to scarcity.
30. The decision of the High Court in *Yeomans Row Management Ltd v London Rent Assessment Committee* [2002] EWHC 835 (Admin)

Decision

34. For the reasons given above, we arrive at an initial fair rent value of **£812 per calendar month**.
35. As the value we arrived at is lower than the maximum rent prescribed by The Rent Acts (Maximum Fair Rent) Order of **£961 per calendar month**, the Fair Rent that can be registered is not capped by that order.
36. The statutory formula applied to the previously registered rent is at Appendix A.
37. Details of the maximum fair rent calculations are provided with the accompanying notice of our decision.
38. Accordingly, the sum that will be registered as a fair rent with effect from **18 June 2025** is **£812 per calendar month**.

Valuer Chairman: Mr O Dowty MRICS

Dated: 11 August 2025

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 Tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).

Appendix A
The Rents Act (Maximum Fair Rent) Order 1999

(1) Where this article applies, the amount to be registered as the rent of the dwelling-house under Part IV shall not, subject to paragraph (5), exceed the maximum fair rent calculated in accordance with the formula set out in paragraph (2).

(2) The formula is:

$$\text{MFR} = \text{LR} \left[1 + \frac{(x-y) + P}{y} \right]$$

where:

- 'MFR' is the maximum fair rent;
- 'LR' is the amount of the existing registered rent to the dwelling-house;
- 'x' is the index published in the month immediately preceding the month in which the determination of a fair rent is made under Part IV;
- 'y' is the published index for the month in which the rent was last registered under Part IV before the date of the application for registration of a new rent; and
- 'P' is 0.075 for the first application for rent registration of the dwelling-house after this Order comes into force and 0.05 for every subsequent application.

(3) Where the maximum fair rent calculated in accordance with paragraph (2) is not an integral multiple of 50 pence the maximum fair rent shall be that amount rounded up to the nearest integral multiple of 50 pence.

(4) If $\frac{(x-y) + P}{y}$ is less than zero the maximum fair rent shall be the y existing registered rent.