



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

Case reference	:	HAV/00ML/F77/2025/0618
Property	:	Lower Ground Floor Flat, 27 Clarendon Villas, Hove, East Sussex, BN3 3RE
Applicant landlord	:	Goodman Property Investments Hove Limited
Representative	:	Ms Holly Herriott Taylor Michael
Respondent tenant	:	Ms J Kipling
Representative	:	None
Type of application	:	Determination of a Fair Rent Section 70, Rent Act 1977
Tribunal members	:	Mr J G G Wilson MRICS Mr P Cliffe-Roberts FRICS Judge C A Rai
Date of consideration	:	9 June 2025
Date of decision	:	9 June 2025

DECISION

Decision of the Tribunal

On 9 June 2025 the Tribunal determined a Fair Rent of £795 (Seven Hundred and Ninety-Five Pounds) Per Calendar Month to take effect from 9 June 2025.

Background

1. On 24 January 2025 the landlord's Agent (Ms Holly Herriott of Taylor Michael) submitted an application for registration of Fair Rent ('RR1') to the Rent Officer to register a fair rent of £675 per month for the property, Basement [sic], 27 Clarendon Villas, Hove, East Sussex, BN3 3RE ('the property').
2. This was an application to re-register the fair rent from its previous registration of rent for the property of £662 per calendar month, effective from 17 March 2022.
3. A new rent of £835 per calendar month was registered by the Rent Officer, effective from 19 March 2025. The uncapped rent was £985 per calendar month.
4. In an email dated 16 April 2025 to The Valuation Office Agency ('the VOA') (sent to NSO Helpdesk (VOA)) the tenant gave her objection to the new rent registered and the matter was referred to the First-Tier Tribunal Property Chamber (Residential Property), formerly a Rent Assessment Committee.
5. The Tribunal issued Directions dated 2 May 2025. The Tribunal does not consider it necessary and proportionate in cases of this nature neither to undertake an inspection, nor to hold a Tribunal hearing unless either are specifically requested by either party or a particular point arises which merits such an inspection and/or hearing.
6. The Tribunal in its Directions informed the parties that, unless either party objected, the Tribunal intended to determine the rent on the papers (written representations), (paragraph 5).
7. Similarly, the parties were informed the Tribunal will not inspect the property but will seek to view it on the internet; and goes on to say if it considers it necessary, it may carry out an external inspection, (paragraph 6).
8. The parties were directed to complete and return their Fair Rent Appeal Statement ('Statement') to form their statement of case, within specific time limits, (paragraphs 8 – 12 inclusive). The Statement allows for the provision of photographs to be attached to assist the Tribunal to understand the case and to help the party to present the issues.
9. Neither party has submitted a Statement, although the tenant has given submissions in her emails dated 6 February 2025, 16 April 2025 and 12 May 2025.

The Property

10. 27 Clarendon Villas ('the building') is an early Victorian semi-detached

town house with pitched tiled roof now converted into flats. The property is the lower ground floor flat which is described in the Rent Register as self-contained with the accommodation as follows: three rooms, one kitchen and one bathroom.

11. Clarendon Villas is in that part of Hove to the south of Hove Park with Hove railway station being the nearest, to its north. The road runs in an east/westerly direction between Goldstone Villas and the A2023, Nevill Road.

The Tenancy Agreement

12. The Tribunal has not been provided with a copy of the tenancy agreement, although from the RR1 it is understood to have commenced in 1989.
13. The tenant is responsible for the payment of Council Tax and Water Rates. Section 11 of the Landlord and Tenant Act 1985 applies. The tenant is responsible for internal decorations. The landlord has not provided any furniture.

Submissions – Fair Rent Appeal Statement

14. Neither party has submitted a Statement, although the tenant has made submissions in her emails (paragraph 9 above).
15. The Tribunal has considered the case *de novo* (from anew) and has limited its considerations to reach its decision to those points in the papers relevant to the determination of the fair rent.
16. In her email dated 16 April 2025 to the VOA, Ms Kipling submitted her appeal (to object) to the Rent Officer's re-registration of the fair rent of the property.
17. Confirmation of the tenant's objection to the fair rent registered by the Rent Officer was sent to the parties in the VOA's letters dated 24 April 2025, including reference to the matter to be reconsidered by the First-tier Tribunal (Property Chamber).
18. In outline, in her emails, Ms Kipling says the building was converted into flats in 1945 and that the property is an 'appalling conversion'. Ms Kipling says her flat is a basement flat, not a lower ground floor flat. The bathroom is narrow, and the kitchen is small. All the flats in the building have two bedrooms and whereas all those 'upstairs are all a fair & reasonable size – however my second bedroom is not.' There is no double glazing in the building.
19. Ms Kipling goes on to say the floorboards have not been fitted securely. In her email dated 6 February 2025, Ms Kipling outlines various works she has carried out, at her expense, these include: the installation of a shower, removal of a window and the installation of a door, the installation of a handrail to the back garden, the installation of a side gate and a garden tap. The items listed are not exhaustive.
20. Ms Kipling does not give her opinion of the fair rent but says the re-registration of £835 per calendar month is higher than the rent sought by

the landlord.

21. Neither the landlord nor their Agent has submitted a Statement. In their RR1 the property is outlined as: two bedrooms, one kitchen, one bathroom, and one living room.
22. The tenancy neither includes any other property, nor any furniture, nor does the tenant share any accommodation.

The Law

When determining a fair rent, the Tribunal, in accordance with the Rent Act 1977, section 70, had regard to all the circumstances including the age, location and state of repair of the property. It also disregarded the effect of (a) any relevant tenant's improvements and (b) the effect of any disrepair or any other defect attributable to the tenant or any predecessor in title under the regulated tenancy, on the rental value of the property.

In *Spath Holme Ltd v Chairman of the Greater Manchester & Lancashire Rent Assessment Committee* (1995) 28 HLR 107 and *Curtis v London Rent Assessment Committee* [1999] QB 92 the Court of Appeal emphasised:

- (a) that ordinarily a fair rent is the market rent for the property discounted for 'scarcity' (i.e. 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 - other than as to rent - to that of the regulated tenancy) and
 - (b) that for the purposes of determining the market rent, assured tenancy (market) rents are usually appropriate comparable lettings. (These rents may have to be adjusted where necessary to reflect any relevant differences between those comparable lettings and the subject property).
23. The Tribunal is also to have regard to the Rent Acts (Maximum Fair Rent) Order 1999 ('the Order'), where applicable. Most objections and determinations of registered rents are now subject to the Order, which limits the amount of rent that can be charged by linking increases to the Retail Price Index ('RPI'). It is the duty of the Property Tribunal to arrive at a fair rent under section 70 of the Act but, in addition, to calculate the maximum fair rent which can be registered according to the rules of the Order.
 24. If that maximum rent is below the fair rent calculated as above, then that (maximum) sum must be registered as the fair rent for the subject property.
 25. Section 2(7) of the Order is as follows, 'This article does not apply in respect of a dwelling-house if because of a change in the condition of the dwelling-house or the common parts as a result of repairs or improvements (including the replacement of any fixture or fitting) carried out by the landlord or a superior landlord, the rent that is determined in response to an application for registration of a new rent under Part IV exceeds by at least 15% the previous rent registered or confirmed.'

26. The tenancy is a statutory (protected) periodic tenancy and as such (not being for a fixed tenancy of 7 years or more) is subject to section 11 of the Landlord and Tenant Act 1985, which sets out the landlord's statutory repairing obligations; the tenant is responsible for internal decorations.

Considerations and Valuation

27. Having reviewed the papers, the Tribunal first considered whether it felt able to decide this case reasonably and fairly based on the papers submitted only, with neither an inspection, nor an oral hearing. Having read and considered the papers, the Tribunal decided it could do so.
28. In the first instance the Tribunal determined the market rent per month the landlord could reasonably expect to receive on the valuation date, 9 June 2025, on the assumptions the property was in good condition, with carpets (flooring coverings), curtains and white goods provided by the landlord.
29. The Rent Register does not include a garden as a part of the outside space. From Ms Kipling's email dated 12 May 2025, the Tribunal understands there is both a front and a rear garden at the building. Whereas the front garden is communal, the rear garden was [sic] 'communal'. Ms Kipling has installed a side gate and replaced a window with a back door, to give direct access to the rear garden. Following the information provided, the Tribunal has determined that the property gives sole access to the rear garden, although the same was not a part of the demise when the tenancy was granted.
30. To determine the market rent, the Tribunal has considered the evidence given by the Rent Officer, coupled with its own general knowledge of market rents in Brighton and Hove.
31. Taking the above into consideration and of its own general knowledge of market rents in the area, at the valuation date, the Tribunal determined the market rent of the property to be £1,200 per calendar month, before any adjustment(s) which it deemed appropriate to be applied.
32. From the submissions given by Ms Kipling in her emails and the information provided by the Rent Officer, the Tribunal has determined adjustments are required to be applied to the market rent to reflect: (1) no double-glazing, (2) the tenant's provision of carpets (floor coverings) and curtains, (3) the tenant's provision of the White Goods, (4) the tenant's internal decorations' obligation, (5) the unmodernised kitchen, (6) the unmodernised bathroom/WC and (7) a poor conversion of the building into flats (typically, the property has a narrow bathroom and a small kitchen) with various items of disrepair.
33. The Tribunal concluded a deduction in aggregate of £405 per calendar month be applied to the market rent, made up of as follows:

No double-glazing	£50
No Carpets (floor coverings) and Curtains	£75
White Goods	£30
Internal decorations' obligation	£50

An unmodernised kitchen	£50
An unmodernised bathroom/WC	£50
A poor conversion with various items of disrepair	<u>£100</u>

£ Per Calendar Month	£405
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34. £1,200 per calendar month minus £405 per calendar month to equal £795 per calendar month.
35. Turning to the question of scarcity, that is whether the demand for such properties exceeds the supply, neither party has addressed the point. Applying its general knowledge of the lettings market in the area, the Tribunal has concluded there is no adjustment required for scarcity in this registration of fair rent.

Decision

36. Accordingly, having made the adjustments listed above, The Tribunal determined the Fair Rent of the property be re-registered at **£795 (Seven Hundred and Ninety-Five Pounds) Per Calendar Month, to take effect from 9 June 2025.**
37. The capping provisions of the Rent Acts (Maximum Fair Rent) Order 1999 do not apply because the rent determined is less than that prescribed by the Order which the Tribunal calculated to be £856.50p (Eight Hundred and Fifty-Six Pounds and Fifty Pence) Per Calendar Month.

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making a written application by email to rpsouthern@justice.gov.uk to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 days' time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 days' time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal and state the result the party making the application is seeking.