FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference	**:**	**LON/00BK/F77/2025/0192**
Property	**:**	**Maisonette Floors 1 & 2, 25 Denbigh Street, Westminster London SW1V 7HF**
Applicant	**:**	**Miss Beatrice Cooper (Tenant)**
Representative	**:**	**None**
Respondent	**:**	**Northumberland and Durham Property Trust Ltd (Landlord)**
Representative	**:**	**Grainger Plc**
Type of Application	**:**	**S.70 Rent Act 1977 – Determination of a new fair rent**
Tribunal Members	**:**	**Mr N. Martindale FRICS**
Date and venue of Meeting	**:**	**28 August 2025 First Tier Tribunal (London) HMCTS 10 Alfred Place, London WC1E 7LR**
Date of Decision	**:**	**28 August 2025**

REASONS FOR DECISION

Background

1 By an application of 20 February 2025 the landlord applied to the Rent Officer for registration of a fair rent. The rent stated as payable at the time of the application was said to be £910 pcm. There was no service charge. The landlord sought a new rent of £1080 pcm.

2 With effect from 31 March 2025, the Rent Officer registered a fair rent of £1124.99 pcm. There was no note of the uncapped fair rent. There was an objection to the new fair rent from the tenant. The First Tier Tribunal was notified of this objection and a request for a fresh determination of the rent.

Directions

3 Directions of 2 July 2025 were issued by the Tribunal, for case progression. Neither party requested a hearing.

Representations

4 Standard Reply Forms were issued by the Tribunal prior and both parties invited to complete and return them. The Tribunal received completed forms from each.

Inspection

5 The Tribunal did not inspect the Property. The Tribunal was however able to externally view it from Google Streetview (@ June 2022). The Property appeared to be part of a former terraced house within a mid Victorian terrace of similar each being of seven levels. Formerly arranged as a house the building within which the property was located was now mostly subdivided into smaller dwellings on one or more levels.

6 The Property is located conveniently in Central London but on a busy A class road in Pimlico. There is restricted on street parking. The former house within which the flat is located, and the whole terrace are part of a larger originally mid Victorian residential housing estate of similar age and condition.

7 Externally the building at No. 25, appeared to be in good condition, with white washed rendered walls to all levels, a slate finished mansard to the fifth floor/attic space accommodation. The Property has 2 bedrooms, living room, kitchen, bathroom/wc at first and second second floors. There is no shared outside space.

8 There appears to be wooden double hung sash single glazed windows and no central heating just electric storage heaters. The bathroom and kitchen are from the VOA's notes functional but, basic. There is little information on landlord carpets and curtains but the tenancy ran from 25 December 1980 so are taken to be in poor condition. There appear to be some longstanding if minor defects to the Property.

9 The Tribunal is grateful for such representations as were received from the parties.

Law

10 When determining a fair rent the Committee, 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 other defect attributable to the tenant or any predecessor in title under the regulated tenancy, on the rental value of the property.

11 In Spath Holme Ltd v Chairman of the Greater Manchester etc. Committee (1995) 28 HLR 107 and Curtis v London Rent Assessment Committee [1999] QB 92 the Court of Appeal emphasized

(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 comparables. (These rents may have to be adjusted where necessary to reflect any relevant differences between those comparables and the subject property).

12 Where the condition of a property is poorer than that of comparable properties, so that the rents of those comparables are towards twice that proposed rent for the subject property, it calls into question whether or not those transactions are truly comparable. Would prospective tenants of modernized properties in good order consider taking a tenancy of an un-modernised house in poor repair and with only basic facilities or are they in entirely separate lettings markets? The problem for the Tribunal is that the only evidence of value levels available to us is of modernised properties. We therefore have to use this but make appropriate discounts for the differences, rather than ignore it and determine a rent entirely based on our own knowledge and experience, whenever we can.

13 On the evidence of the comparable lettings and our own general knowledge of market rent levels in and around Pimlico, Westminster, the Tribunal accepts that the Property would let on normal Assured Shorthold Tenancy (AST) terms, for £2500 pcm. This then, is the appropriate starting point from which to determine the rent of the Property as it falls to be valued.

14 The Tribunal noted the absence of double glazed units to the windows; lack of central heating; functional but basic kitchen and bathroom fittings, older carpets and curtains provision and a number of minor

but longstanding repairs. A deduction for these shortcomings amounts to £1000, so that the adjusted market rent is £1500 pcm.

15 The Tribunal also has to consider the element of scarcity and whether demand exceeded supply. The Tribunal found that there was scarcity in the locality of Westminster for this type of property and makes a further deduction of 20% from the adjusted market rent, leaving an uncapped fair rent of £1200 pcm.

16 The fair rent to be registered on this basis alone would be £1500 pcm, but, the new rent is limited by the statutory Maximum Fair Rent Cap calculation. The MFRC limits any increase to the change in RPI (set two months prior at each date), between the date of the last registration of a fair rent and the current, plus 5%. The calculations are shown in the MFR form and this caps the new fair rent at £1200 pcm. As the MFR cap is below the uncapped fair rent above, the new fair rent will be capped at £1200 pcm. The new fair rent is therefore registered at this figure.

17 The Rent Act makes no allowance for the Tribunal to take account of hardship arising from the new rent payable compared with the existing rent registered. The landlord is entitled but, not compelled, to charge the tenants rent at the registered figure from the effective date below. The landlord may not charge more than the fair rent but may charge less if it wishes to, or is otherwise required to, under other regulations which may limit its increases in rent as a landlord.

Chairman N Martindale FRICS Dated 28 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 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 decision to the person making the application (regulation 52 (2) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rule 2013).

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.

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