



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

Case Reference	:	CAM/38UF/F77/2025/0013
Property	:	48 Webb Crescent Chipping Norton Oxfordshire OX7 5HU
Applicant	:	Dorrington Residential Limited (Landlord)
Representative	:	Savills
Respondent	:	Mr S J Widdows (Tenant)
Representative	:	None
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	:	19 May 2025 First Tier Tribunal (Eastern) County Court Cambridge CB1 1BA
Date of Decision	:	19 May 2025

REASONS FOR DECISION

Background

- 1 By a RR1 application dated 7 January 2024, the landlord applied to the Rent Officer for registration of a fair rent of £11,210.40 per annum. The fair rent payable from 6 April 2023 was £778.50 pcm. There was no additional service charge.
- 2 The Rent Officer registered a fair rent but, on application from the landlord the matter was referred to the Tribunal for a re-determination.

Directions

- 3 Directions dated 27 March 2025 were issued by Laura Lawless Legal Officer, for case progression. A hearing was not requested. A determination was set down for 19 May 2025, on the papers.

Representations

- 4 A standard Reply Form was received by the Tribunal from the tenant with basic information, in particular room dimensions and a short list of repairs and improvements that had been undertaken and the condition of bathroom and kitchen as basic. The tenant included 8No. monochrome photographs showing the interior of some of the rooms at the Property. The kitchen and bathroom appeared to be original fittings, functional but basic. There was no central heating. The tenants provided carpets curtains white goods.
- 5 The Tribunal received similar basic information on the Property from the landlord in their Reply Form. They included 7No. monochrome photographs of the front and interior of the Property.
- 6 The Tribunal is grateful for such information as received from the parties.

Inspection

- 7 The Tribunal did not inspect the Property. The Tribunal was however able to externally view the Property from Google Streetview (@ June 2022). The house appears to date from the 1970's and forms part of a short terrace of identical houses in a cul-de-sac, a small established residential estate with some on street parking. Some houses have front parking spaces instead of gardens. The Property has a garden at the front. There is some on-street parking. The Property has a garage in a nearby block of garages for residents.
- 8 The two storey house has brick faced ground and tile hung first floor front external wall and a double pitched roof finished to single concrete tiles. It is on the end of the terrace. Externally, to the front elevation, the Property appears in fair to good condition. Windows appear to be in plastic with double glazed units. There is no central space heating. The accommodation is ground floor: living room, kitchen and WC. On the first floor there are three bedrooms and a bathroom/WC.

Law

- 9 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.

- 10 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).
- 11 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.
- 12 On the evidence of the comparable lettings and our own general knowledge of market rent levels in and around Chipping Norton, the Tribunal accepts that the subject property would let on normal Assured Shorthold Tenancy (AST) terms, for £1600 per calendar month. This then, is the appropriate starting point from which to determine the rent of the property as it falls to be valued.
- 13 A normal open market letting would include carpets, curtains and "white goods", but the Tribunal concludes that these are provided by the tenant, since the start on 1 September 1993 by way of transfer of tenancy. The Tribunal assumes that the Property has a basic functional kitchen and bathroom, no central heating, no white goods. Deductions for these various shortcomings at the Property amount to £300 pcm, leaving the adjusted market rent at £1300 per calendar month.
- 14 The Tribunal also has to consider the element of scarcity and whether demand exceeded supply in this locality. The Tribunal found that there was no scarcity in the locality of Chipping Norton for this type and size

of property and therefore makes no further deduction from the adjusted market rent to reflect this.

- 15 The fair rent to be registered on this basis alone would be £1300 pcm, but, the new rent can be limited by the statutory Maximum Fair Rent (MFR) Cap calculation. This limits any increase to the change in RPI between the date of the last registration of a fair rent and the current, plus 5%.
- 16 The calculations are shown in the MFR form attached. This caps the new rent at £883.50. There is no service charge. As this is lower than the adjusted uncapped fair rent above, the new fair rent remains reduced and capped at £883.50 pcm instead. 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.
- 17 The landlord is entitled but, not compelled, to charge the new rent at the registered figure from the date of this Decision. However the landlord may not charge more than this fair rent. The landlord may continue to choose or be otherwise limited to, charge a smaller sum.

Chairman N Martindale FRICS

Dated 19 May 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).

Notice of the Tribunal Decision

Rent Act 1977 Schedule 11

Address of Premises The Tribunal members were

48 Webb Crescent

Chipping Norton

Oxfordshire OX7 5HU

Mr N Martindale FRICS

Landlord

Dorrington Residential Ltd.

Tenant

Mr S J Widdows

1. The fair rent is	£883.50	Per	Calendar month	(excluding water rates and council tax but including any amounts in paras 3&4)
2. The effective date is	19 May 2025			
3. The amount for services is	nil	Per	Calendar month	
negligible/not applicable				

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

nil

Per

negligible/not applicable

5. The rent is not to be registered as variable.

6. The capping provisions of the Rent Acts (Maximum Fair Rent) Order 1999 apply.

7. Details (other than rent) where different from Rent Register entry

As register entry. Basic kitchen and bathroom. Tenants white goods carpets and curtains.

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. As the fair rent was above the MFR, it remains capped at the MFR. The fair rent would otherwise have been £1300 per calendar month. The landlord is not compelled to charge the fair rent stated at box 1 above. They may charge a sum up to and including that rent but, not more.

Chairman

N Martindale FRICS

Date of decision

19 May 2025

MAXIMUM FAIR RENT CALCULATION

LATEST RPI FIGURE (2 months prior) X

395.3

PREVIOUS RPI FIGURE (2 months prior) Y

364.5

X

395.3

Minus Y

364.5

= (A)

30.8

(A)

30.9

Divided by Y

364.5

= (B)

0.0845

First application for re-registration since 1 February 1999 NO

If yes (B) plus 1.075 = (C)

If no (B) plus 1.05 = (C)

1.1345

Last registered rent*

£778.50

Multiplied by (C) =

£883.32

*(exclusive of any former variable service charge of NIL pcm)

Rounded up to nearest 50p =

£883.50

Current variable service charge No

If YES add amount for services

MAXIMUM FAIR RENT =

£883.50

Per

Calendar 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.