



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

Case Reference : **CAM/00MF/F77/2025/0027**

Property : **4 Stanley Road
Wokingham
Berkshire
RG40 1SX**

Applicant Landlord : **Whitestrاند Limited**

Representative : **Martin & Pole**

Respondent Tenant : **Mrs S E Gardner**

Representative : **None**

Type of Application : **Section 70 Rent Act 1977 (“the Act”)
Determination by the First-Tier Tribunal
of the fair rent of a property following an
objection to the rent registered by the
Rent Officer.**

Tribunal Members : **Mr I R Perry FRICS**

Date of Inspection : **6th October 2025**

Date of Decision : **6th October 2025**

DECISION

Summary of Decision

On 10th February 2025 the Tribunal determined a Fair Rent of £805 per month with effect from 10th February 2025.

Background

1. On 5th October 2024 the Landlord's Agent applied to the Rent Officer for registration of a Fair Rent for the property.
2. The rent was previously registered on 30th March 2022 at a figure of £765 per month week following a determination by a Rent Officer. This rent was effective from 30th March 2022.
3. A new rent was registered by the Rent Officer on 1st July 2025 at a figure of £795 per month. This new rent was effective from 1st July 2025.
4. On 18th July 2025 the Landlord's Agent objected to the new rent and the matter was referred to the First-tier Tribunal Property Chamber (Residential Property), formerly a Rent Assessment Committee.
5. The Tribunal does not routinely consider it necessary and proportionate in cases of this nature to undertake inspections or hold Tribunal hearings unless either are specifically requested by either party or a particular point arises which merits such an inspection and/or hearing.
6. The Tribunal office issued directions on 5th August 2025 which informed the parties that the Tribunal intended to determine the rent on the basis of written representations but would be inspecting the property, subject to the parties requesting an oral hearing. No request was made by the parties for a hearing.
7. Both parties were invited to include photographs within their representations if they so wished.
8. The Landlord's Agent made a submission to the Tribunal which had also been copied to the Tenant.
9. These reasons address the key issues raised by the parties. They do not recite each and every point referred to either in submissions or during any hearing. However, this does not imply that any points raised, or documents not specifically mentioned were disregarded. If a point or document was referred to in the evidence or submissions that was relevant to a specific issue, then it was considered by the Tribunal. The Tribunal concentrates on those issues which, in its opinion, are fundamental to the application.

The Law

10. 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 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 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 comparables. (These rents may have to be adjusted where necessary to reflect any relevant differences between those comparables and the subject property).
12. The Tribunal also has to have regard to the Rent Acts (Maximum Fair Rent) Order 1999 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. 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. 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.
13. 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 landlords statutory repairing obligations; the tenant is responsible for internal decorations.

The Inspection

14. The Tribunal inspected the property which comprises a semi-detached house situated in a cul-de-sac approximately 1/2 mile east of the centre of Wokingham.
15. The main walls are of solid brick construction all beneath a pitched slate roof. The main gable wall is part rendered. Heating is a gas-fired system.
16. The entrance door is on the side of the house giving access to a living room at the front and dining room at the rear. Beyond the dining room is a kitchen and small utility area within a former outside WC.

17. A central staircase leads to a small landing with 2 bedrooms. There is a bathroom with WC that is accessed through the rear bedroom. Bedrooms have fitted wardrobes.
18. Outside there is a small front garden and there is a long garden to the rear. Parking is on street only.
19. The Tenant stated that she had been born in the house in 1944 and that she had carried out many improvements to the property including the installation of double-glazed windows, moving the outside WC inside, fitting out the kitchen and bathroom, and the provision of fitted wardrobes and cupboards.
20. The Tenant has maintained the internal decorations in good order.

Evidence and Representations

21. The Landlord's Agent submitted a Reply Form dated 20th August 2025 which gives no details regarding central heating, double glazing, carpets, curtains or white goods or the condition of the accommodation.
22. The Agent states that there is off-street parking and questions the Rent Officer's assessment of a market rent but provides no evidence of what he considers that figure should be. The Agent also suggests that no reduction should be made to reflect scarcity.
23. The Rent Officer assessed an open market rent for the property of £1,305 per month.

Determination and Valuation

24. The Tribunal first considered whether it felt able to reasonably and fairly decide this case based on the papers submitted only, with no oral hearing. Neither party had requested a hearing. Having read and considered the papers it decided that it could do so.
25. The Tribunal found that the property is very well maintained internally and that several improvements have been made by the Tenant.
26. The accommodation is inconvenient in that the bathroom is only accessed through the rear bedroom.
27. In the first instance the Tribunal determined what rent the Landlord could reasonably be expected to obtain for the property in the open market if it were let today in the good condition that is considered usual for such an open market letting. Market rents are usually expressed as a figure per month and a letting would normally include floorings, curtains and white goods to all be provided by the Landlord.
28. In determining an 'open market rent' the Tribunal had regard to the evidence supplied by the parties and the Tribunal's own general

knowledge of market rent levels in the area of Wokingham. Having done so it concluded that such a likely market rent would be £1,300 per calendar month.

29. However, the property was not let in a condition considered usual for a modern letting at a market rent. Therefore, it was first necessary to adjust that hypothetical rent of £1,300 per calendar month particularly to reflect the fact that the carpets, curtains and white goods were all provided by the Tenant which would not be the case for an open market assured shorthold tenancy.
30. Further adjustments were necessary to reflect the Tenant's liability for internal decoration, the Tenant's provision of kitchen fittings, bathroom fittings, accessing the ground floor WC from inside, the Tenant's provision of double glazing and the inconvenient layout.
31. The Tribunal therefore considered that this required a total deduction of £495 month made up as follows:

Tenant's provision of carpets	£50
Tenant's provision of white goods	£30
Tenant's provision of curtains	£15
Tenant's liability for internal decoration	£50
Tenant's bathroom fittings	£75
Tenant's kitchen fittings	£100
Tenant's provision of double glazing	£100
Internal layout, bathroom via bedroom 2	<u>£75</u>
TOTAL adjustment per month	£495

32. The Tribunal noted the number of properties available to rent in the area as advertised on Rightmove and Zoopla, and concluded that there was no substantial scarcity element in the area of Wokingham and surrounding areas.

Decision

33. Having made the adjustments indicated above the Fair Rent determined by the Tribunal for the purpose of section 70 of the Rent Act 1977 was accordingly £805 per calendar month.
34. The Section 70 Fair Rent determined by the Tribunal is below the maximum fair rent of £1,002.50 permitted by the Rent Acts (Maximum Fair Rent) Order 1999 details of which are shown on the rear of the Decision Notice and accordingly we determine that the lower sum of £805 per month is registered as the Fair Rent with effect from 6th October 2025.

Accordingly the sum of £805 per month will be registered as the Fair Rent with effect from the 6th October 2025 this being the date of the Tribunal's decision.

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 written application by email to rpeastern@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 day 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 day 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.