



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

Case Reference : **LON/ooAN/F77/2025/0119**
Property

Tenant : **Miss Norma Newman**

Landlord : **T C Properties Ltd**

Date of Objection : **8 January 2025**

Type of Application : **Section 70, Rent Act 1977**

Tribunal : **Mr A Harris LLM FRICS FCIArb**

Date of Reasons : **11 November 2025**

DECISION

The sum of £996.00 per calendar month will be registered as the fair rent with effect from 24 June 2025, being the date the Tribunal made the Decision.

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REASONS

Background

1. The property was previously the subject of a registered rent of £983.50 per month registered on 18 October 2022 and effective from the same date.
2. Following an application by the landlord the rent was registered on 11 December 2024 and effective from the same date at £999 per week. with an uncapped rent of £333.00 per week.
3. Following an objection from the Landlord to the determination of a fair rent by the Rent Officer, the Tribunal has made a determination under the provisions of the Rent Act 1977. Summary reasons were issued on 24 June 2025 and a request for full reasons was not made until 5 November 2025.

Inspection

4. The Tribunal did not inspect the property but considered this case on the basis of the papers provided by the parties.
5. The property is described as a self-contained flat over commercial premises circa 1919 to 1944 with central heating and comprising 2 rooms, kitchen and bathroom/WC.

Evidence

6. The Tribunal has considered the written submissions provided by the Tenant and the Landlord. The Tenant gave a detailed account of disrepair and advice from the Local Authority who were considering an HSSRA assessment for hazards supported by some photographs. The disrepair included details of cracking and dampness.
7. The Landlord wrote a letter of rebuttal but provided no supporting documents or photographs. The Landlord does not appear to have inspected for some time.
8. The tribunal considered both sets of representations and preferred those of the tenant given the greater detail and photographic evidence

The Law

9. When determining a fair rent in accordance with section 70 of the Rent Act 1977, the tribunal has regard to all the circumstances (other than personal circumstances) including the age, location and state of repair 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 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 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. The rent has been previously registered, and the Rent Acts (Maximum Fair Rent) Order 1999 therefore applies unless there are significant improvements made by the Landlord which increase the rent which would be registered by more than 15%. There are no such improvements in this case. The previous registration is therefore the starting point for assessing the new rent under the Order. The Order sets out the basis for calculating the new rent which is the increase in the Retail Prices Index from the last registration date plus 5% where the rent has previously been registered.

Determination and Valuation

12. In the absence of rental comparables provided by the parties the tribunal has relied on its own expert, general knowledge of rental values in the area. We consider that the open market rent for the property in the condition and with the amenities the market would expect would be in the region of £2075.00 per calendar month. From this level of rent we have made adjustments in relation to:
 - a. Disrepair including structural issues damp and mould
 - b. No white goods apart from cooker
 - c. Tenants improvements
13. The Tribunal has also made an adjustment for scarcity.
14. The full valuation is shown below:

Fair rent		
		PM
Market rent		£ 2,075.00
less condition & terms	40% -£	830.00
adjusted rent		£ 1,245.00
less scarcity off adj rent	20% -£	249.00
Fair rent		£ 996.00

Decision

15. The uncapped fair rent initially determined by the Tribunal, for the purposes of section 70, was £996.00 per calendar month. The capped rent for the property according to the provisions of the Rent Acts

(Maximum Fair Rent) Order 1999 is calculated at £1163.00 per calendar month. The calculation of the capped rent is shown on the decision form. In this case the lower rent of £996.00 per calendar month is to be registered as the fair rent or this property.

Chairman: **A Harris**

Date: **11 November 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 First-tier Tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).