



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

Case reference : **CAM/34UF/F77/2025/0034**

HMCTS code : **P:PAPERREMOTE**

Property : **47 Orchard Road, Finedon,
Wellingborough, NN9 5JG**

Applicant (Landlord) : **Dorrington Residential Limited**

Respondent (Tenant) : **E I Mears**

Type of application : **Determination of a fair rent under
section 70 of the Rent Act 1977**

Tribunal members : **Peter Roberts FRICS CEnv**

Date of Determination : **24 January 2026**

DECISION

Description of hearing

This has been a remote determination on the papers which the parties are taken to have consented to, as explained below. The form of determination was a paper determination described above as P:PAPERREMOTE. The documents that the Tribunal was referred to are in bundles from the Applicant and the Respondent. The Tribunal has noted the contents and the decision is below.

Decision

The Tribunal determined a Fair Rent of £467 per month effective from 24 January 2026.

Reasons

Background

1. The Landlord made an application dated 4 June 2025 to register the rent of the Property at £450 per month. This was stated to be exclusive of any variable Service Charge.
2. The Rent Officer registered a Fair Rent of £450 per month on 18 July 2025 effective from 10 August 2025. This was in lieu of the previous rent of £420 per month which was effective from 10 August 2023.
3. Even though the Rent Office determined the rent at the level proposed by the Landlord the Landlord's agents submitted an objection on 3 September 2025.
4. The Tribunal issued Directions on 8 October 2025, inviting the parties to submit any further representations (including any photographs and details of rentals for similar properties) they wished the Tribunal to consider.

The Property

5. The Tribunal inspected the Property on 15 December 2025. In addition, the Tribunal has had the benefit of information in the public domain including Google Street images.
6. The Property comprised a period mid-terraced house of brick with pebbledash rendering and slate roof providing a lounge, dining room, kitchen and shower room at ground floor with two double and one single bedroom at first floor level. It benefits from heating and double glazing. There is a narrow garden and outbuildings to the rear and on-street car parking.
7. The Tenant fitted the kitchen and installed the original bathroom prior to the installation of a shower by the Landlord. The Tenant has installed roof insulation, floor coverings and curtains and provided White Goods.
8. The Property is fitted to a basic standard and there is evidence of water damage and damp throughout. It is understood that some of the water damage may have resulted through historic issues with the guttering.

The Law

9. The relevant law is set out in section 70 of the Rent Act 1977 (the Act) and The Rent Acts (Maximum Fair Rent) Order 1999 (the Order).
10. Section 70 (1) of The Act provides that in assessing the rent:

“regard shall be had to all the circumstances (other than personal circumstances) and in particular to—

- i. the age, character, locality and state of repair of the dwelling-house,*
- ii. if any furniture is provided for use under the tenancy, the quantity, quality and condition of the furniture and*
- iii. any premium, or sum in the nature of a premium, which has been or may be lawfully required or received on the grant, renewal, continuance or assignment of the tenancy.”*

11. Section 70 (3) of the Act provides that:

“...there shall be disregarded.

- i. any disrepair or other defect attributable to a failure by the tenant under the regulated tenancy or any predecessor in title of his to comply with any terms thereof.*
- ii. any improvement carried out, otherwise than in pursuance of the terms of the tenancy, by the tenant under the regulated tenancy or any predecessor in title of his*
- iii. if any furniture is provided for use under the regulated tenancy, any improvement to the furniture by the tenant under the regulated tenancy or any predecessor in title of his or, as the case may be, any deterioration in the condition of the furniture due to any ill-treatment by the tenant, any person residing or lodging with him, or any sub-tenant of his.”*

12. In addition, section 70 (2) of The Act requires the Tribunal to assume:

“that the number of persons seeking to become tenants of similar dwelling-houses in the locality on the terms (other than those relating to rent) of the regulated tenancy is not substantially greater than the number of such dwelling-houses in the locality which are available for letting on such terms.”

13. This latter provision requires the Tribunal to assume that the demand for similar rented properties in the locality does not significantly exceed the supply of such properties for rent; in effect, if such scarcity exists, the Tribunal is to adjust the rental figure so that the fair rent is not affected by it.

14. 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)."

15. In considering scarcity under section 70 (2) the Tribunal recognised that:

(a) "there are considerable variations in the level of scarcity in different parts of the country and that there is no general guidance or "rule of thumb" to indicate what adjustment should be made; the Tribunal therefore considers the case on its merits.

(b) terms relating to rent are to be excluded. A lack of demand at a particular rent is not necessarily evidence of no scarcity; it may be evidence that the prospective tenants are not prepared to pay that particular rent."

16. Section 71 (1) of the Act provides that the registration of the rent takes effect from the date that the Tribunal makes its decision.

17. Fair rents are subject to a capping procedure under the Rent Acts (Maximum Fair Rent) Order 1999 which limits increases by a formula based on the increase in the Retail Price Index since the previous registration.

18. Section 72 (1) (b) of the Act provides that the registration of a rent takes effect:

"...if the rent is determined by the appropriate tribunal, from the date when the tribunal make their decision"

Representations – Tenant

19. In contrast to the Landlord, who was professionally represented, the Tenant completed and returned the Reply Form.

20. The Tenant advised that:

"Approx 2024, Landlord replaced external guttering. This was incorrectly fitted at the front of the house and led to water coming into my bedroom and down into my recently decorated (by me) lounge. Although the guttering was fixed, I still worry when we have heavy rain. About three years ago the landlord replaced rotten flooring in the bay window area in the lounge. I then redecorated and re-carpeted the lounge. The dining room and kitchen desperately need decorating but I can't do it because of the damp in these rooms.

I though the Landlord would submit a reply but I have not received one.

I am attached photos, however, this will all be clearly visible when the Tribunal visit.

The property suffers from damp in the kitchen and dining room. I have been complaining about this forever. There have never been any repair or

renewal works done. To be honest I am ashamed of it. I am reluctant to have friends in my home because of the damp. The kitchen has very old cupboards which I bought years ago, although I believe it is the Landlord's responsibility. The kitchen desperately needs updating but, as a pensioner I can't afford to do it and there is so much damp in there anyway. The Landlord is responsible for external decoration. The front door has been in the property at least since I have lived here. It was last painted by the Landlord approximately 50 years ago. The door is extremely draughty. I try to compensate this with a curtain and a "sausage" style draught excluder. Again I have complained about this for decades. My lounge and bedroom need redecorating following the water coming in from wrongly fitted guttering, but I am worried about doing this in case there is a problem again."

21. The Tribunal reviewed these matters during its inspection.

Representations –Landlord

22. Ms Martin of Savills PLC emailed the NSP helpdesk on 3 September 2025 stating:

"Afternoon. We would like to appeal this. We have had the determination back for 47 Orchard Road which took effect 10.08.2025. The increase is 7.14% at a rate of £450 per week (increase of £360 per annum). The annualised rent increase i.e. 3.57%."

23. Ms Martin did not provide any opinion as to what the rent should be, nor an explanation as to why the Landlord's opinion had changed since the submission of the Application Form. In addition, Ms Martin offered no rental evidence or valuation to assist the Tribunal. To this end, the Tribunal had no indication as to what grounds, if any, the Landlord wished to rely on nor what the Landlord was advocating in respect of the rent that should be due.
24. Neither the Landlord or Ms Martin took any part in these proceedings and no Reply Form or response to the Tenant's points was received despite there being ample opportunity.

Determination

25. The Tribunal would refer the Parties, in the first instance, to the document entitled "Fair Rent Objections Questions and Answers" as provided by the Tribunal which sets out further details as to the differences between Market Rents and Fair Rents.
26. In assessing the Fair Rent the Tribunal is unable to take into account the personal circumstances of the Parties. As such, the assessment of rent has no regard to the personal, financial or health circumstances of either party both of whom are considered to be hypothetical. The Tribunal has therefore had regard to hypothetical willing parties in the open market. The ownership costs arising to the actual Landlord are therefore irrelevant to this exercise.

27. Having determined that the parties to the assumed transaction are hypothetical, the next step, as set out in the Spath case as referred to above, is to determine the rent which a landlord could reasonably expect to obtain for the Property in the open market if it were let today in the condition and on the terms now usual for open market lettings.
28. The rent currently paid and/or registered is not relevant to this exercise. As such, the Tribunal has not relied upon the previous rent in any way and has disregarded historic evidence/determinations. Similarly, the previous condition of the Property is not relevant as the Tribunal's assessment considers the current circumstances.
29. It is also not relevant whether or not the Landlord considers that the rent paid is sufficient to fund its liabilities and/or repair obligations. The cost to the Landlord of putting the Property into a suitable state and complying with its obligations is not a matter for consideration in determining the rent payable.
30. The Tenant may have their own personal reasons for paying a certain level of rent in order to remain in occupation but as has already been set out, the Parties to the assumed letting are hypothetical. The rent that the Tenant might be prepared to pay to remain in occupation, is therefore of no assistance in considering the rent that would be paid by a hypothetical incoming tenant who is under no compulsion to take occupation. In essence, it cannot, in the absence of compelling evidence, be automatically assumed that the actual Tenant would be the hypothetical tenant.
31. The Tribunal has determined that, if the Property was in a state commensurate with modern market expectations following full refurbishment and decoration and on modern lease terms it could attract a rent of £900 per month.
32. However, the Property requires modernisation and refurbishment to put it into a state capable of attracting a rent at this level. It is also necessary to discount for the improvements carried out to the Property by the Tenant and assume that the Property is in the state that would have existed had those works not been carried out. In addition, regard is had to the Tenant's decoration and maintenance of the Property over and above the obligations commonly set out within modern leases.
33. The Tribunal has therefore adopted an adjusted current rent of £825 pcm, and made a deduction of 5% each in respect of the kitchen and bathroom fitments, 5% on account of carpets and curtains, 5% each for the provision of White Goods and lack of insulation, 10% on account of the damp issues and resulting disrepair and 5% on account of decorating and repair liabilities over and above the requirements of modern leases.
34. The Tribunal has also applied a scarcity allowance of 10%.
35. The Fair Rent is therefore £467 per month.

36. The provisions of the Rent Acts (Maximum Fair Rent) Order 1999 require that the registered rent is either the capped Fair Rent, details of which are attached to this Decision, or the Fair Rent.
37. As set out above, the capped rent is determined by a formula that has regard to the increase in the Retail Price Index since the date of the last rent registration.
38. The calculated capped net rent as at the date of this Determination is £477 per month.
39. The Fair Rent is below the Capped Net Rent. **Therefore, the Fair Rent of £467 per month applies.**
40. The Tribunal directs that the revised Rent takes effect from the date of this Determination.

Name: Peter Roberts FRICS CEnv

Date: 24 January 2026

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).

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