FIRST - TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference	**:**	**LON/00AF/F77/2025/0293** **P:PAPERREMOTE**
Property	**:**	**First Floor Flat 48-50 Anerley Hill London SE19 2AE**
Applicant	**:**	**R P Gardener Trust**
Respondent	**:**	**Mr E Calderbank**
Type of Application	**:**	**Determination of the registered rent under Section 70 Rent Act 1977**
Tribunal	**:**	**Mrs E Flint FRICS** **Ms C Barton MRICS**
Date and venue of Hearing	**:**	**20 February 2026** **10 Alfred Place London WC1R 7LR**

DECISION

The registered rent with effect from 20 February 2026 is £920 per month.

© CROWN COPYRIGHT 2026

Background

1. On 25 February 2025 the landlord applied to the rent officer for registration of a fair rent of £2000 per month for the above property.

2. The registered rent at the date of the application was £750 per month which had been registered by the Tribunal on 29 August 2014 with effect from the same date.

3. On 25 April 2025, the rent officer registered a fair rent of £1051 per month with effect from the same date.

4. The landlord objected to the registered rent.

5. The tribunal issued Directions on 3 November 2025. The landlord and tenant made written submissions which were copied to the other party.

The Inspection

6. We inspected the property on the morning of 20 February in the company the tenant.

7. The property is situated above a parade of shops on a busy main road opposite a bus stop. A narrow, shared entrance hall way which also gave access to a ground floor shop via a staff entrance door and the staff wc on the half landing, provided access to the flat. The accommodation, which was on the first floor comprised three rooms, kitchen, bathroom and separate wc. The layout was inconvenient since it was on a number of different levels: it stretched across what were originally two houses. In parts the floors were sloping and springy. The flat was centrally heated and the windows were double glazed. The rewiring throughout was surface mounted and there were numerous surface mounted pipes throughout the flat.

8. The flat had a large living room with high a ceiling which had cracked due to previous water leaks. A door off led into the kitchen which although of a good size was fitted with relatively few, old and worn units. The gas boiler was situated at a high level on the rear wall. A door from the living room led to a lobby leading to the main double bedroom at the front and a second bedroom at the rear. The latter room was a good size however a fireplace and chimney breast in the centre of the party wall meant it was suitable only as a single room. There was evidence of black mould at a high level in the rear bedroom.

9. The lobby also led to the bathroom and wc on a lower level. The bathroom had a modern bath and wash basin, the walls were fully tiled. Heating was by means of an electric wall mounted fan heater. There was no heating in the wc. The original staircase for number 48 remained in situ off the lobby, it was blocked off at the top. The staircase had not been blocked off at first floor level because the window providing natural light to the lobby was situated at half landing level.

The Evidence

10. The landlord stated that there were no other flats in the vicinity which were as large as the subject flat. A two bedroomed flat nearby was on the market at £2,300 per month.

11. The tenant referred to the position of the flat over two shops, on a busy main road. Nothing in the flat had changed since the Tribunal had inspected in 2019.

The Law

12. When determining a fair rent we, in accordance with section 70 of the Rent Act 1977, must have regard to all the circumstances including the age, location and state of repair of the property. We also must disregard the effect of any relevant tenant's improvements and the effect of any disrepair or any other defect attributable to the tenant or any predecessor in title under the regulated tenancy, on the rental value of the property. We are unable to take into account the tenant's personal circumstances when assessing the fair rent.

13. 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:

> 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 to that of a regulated tenancy, and
>
> That for the purposes of determining the market rent, assured tenancy market rents are usually appropriate comparables; adjusted as necessary to reflect any relevant differences between the comparables and the subject property.

Valuation

14. In the first instance we 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 condition and on the terms considered usual for such an open market letting. In addition to the brief details provided by the landlord we relied on our own general knowledge of rents within the vicinity and concluded that if the flat was in the condition usually found on the open market it would let for £1650 per month. Those flats in the area which attracted higher rents were usually purpose built with gardens and parking or in wholly residential buildings.

15. However, it was first necessary to adjust the hypothetical rent of £1650 per month to allow for the differences between the terms and condition considered usual for such a letting and the condition of the actual property at the valuation date, ignoring any tenant's improvements, (disregarding the effect of any disrepair or other defect attributable to the tenant or any predecessor in title). We determined that the

hypothetical rent should be reduced by £500 to reflect the unmodernised kitchen, general condition of the flat including the surfaced mounted wiring and pipework, inconvenient layout, white goods, floor coverings, curtains and difference in terms and conditions.

16. This leaves an adjusted market rent for the subject property of £1150 per month. We were of the opinion that there was substantial scarcity for similar sized properties in Greater London and therefore made a deduction of approximately 20% for scarcity. The uncapped fair rent is £920 per month.

Decision

17. Therefore, the rent will not be capped under the provisions of the Order. Accordingly, the sum of £920 per month will be registered as the fair rent with effect from 20 February 2026 being the date of my decision.

Chairman: Evelyn Flint Dated: 20 February 2026

ANNEX - 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).