



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

Case reference : HAV/18UG/F77/2025/0640

Property : Flat 3, 74 Fore Street, Totnes, Devon,
TQ9 5RU

Applicant landlord : Mr K Davidson

Representative : Ms Christine Horsell,
Stags

Respondent tenant : Miss G M Owen

Representative : None

Type of application : Determination of a Fair Rent
Section 70, Rent Act 1977

Tribunal members : Mr J G G Wilson MRICS
Mr C Davies FRICS
Mr A Hetherton MRICS IRRV (Hons)

Date of consideration : 25 February 2026

Date of decision : 25 February 2026

DECISION

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Decision of the Tribunal

On 25 February 2026 the Tribunal determined a Fair Rent of £380.00 (Three Hundred and Eighty Pounds) per Calendar Month to take effect from 25 February 2026.

Background

1. On 28 August 2025 the landlord's Agent (Ms Christine Horsell of Stags) submitted an application for registration of Fair Rent ('RR1') to the Rent Officer to register a rent of £224.25 per Calendar Month for Flat 3, 74 Fore Street, Totnes, Devon, TQ9 5RU ('the property').
2. As this is the first registration of the fair rent at the property the Rent Acts (Maximum Fair Rent) Order 1999 does not apply.
3. At paragraph 8 it is confirmed that no services are provided under the tenancy. Similarly, in paragraph 10, it is confirmed that no furniture is provided.
4. At paragraph 12 of the RR1, the rent now is stated as £224.25 per Calendar Month. Ms Horsell informed the Valuation Office Agency on 4 November 2025 the current rent had been incorrectly included at £224.25 per Calendar Month, when in fact it was £280.00 per Calendar Month.
5. A new rent of £250.00 per Calendar Month was registered by the Rent Officer, effective from 10 October 2025. The amounts for (d) Amount for fuel charges (excluding heating and lighting of common parts) not counting for rent allowance and for (e) Noted amount attributable to services are both blank.
6. In a letter dated 4 November 2025 to The Valuation Office Agency ('the VOA') (received by VOA Durham CSC on 7 November 2025) Ms Horsell submitted the landlord's objection to the rent registered and the matter was referred to the First-Tier Tribunal Property Chamber (Residential Property), formerly a Rent Assessment Committee.
7. The Tribunal issued Directions dated 2 December 2025. The Tribunal does not consider it necessary and proportionate in cases of this nature neither to undertake an inspection, nor to hold a Tribunal hearing unless either are specifically requested by either party or a particular point arises which merits such an inspection and/or hearing.
8. The Tribunal in its Directions informed the parties that, unless either party objected, the Tribunal intended to determine the rent on the papers (written representations), paragraph 5.
9. Similarly, the parties were informed the Tribunal will not inspect the property but will seek to view it on the internet; and goes on to say if it considers it necessary, it may carry out an external inspection, paragraph 6.
10. The parties were directed to complete and return their Fair Rent Appeal Statement ('Statement') to form their statement of case, within specific time limits, paragraphs 8 – 12 inclusive. The Statement provides for

photographs to be attached, to assist the Tribunal to understand the case and to help the party to present the issues.

11. Whereas the landlord's representative has submitted a Statement, Miss Owen has not done so. Ms Horsell's Statement has been given in accordance with the Tribunal's Directions.

The Property

12. Flat 3 is described as a non-self-contained purpose-built flat above retail premises, circa 1800-1918, located in the centre of Totnes. Fore Street runs in an east to west direction between Bridgetown and the High Street.
13. The property is on the first floor with its own entrance, with full central heating and accommodation comprising: two rooms, one kitchen and one bathroom/WC.

The Tenancy Agreement

14. The Tribunal has been provided with a copy of the tenancy agreement between Stisan Investments Limited and Gillian Mary Owen dated 20 July 1968. The tenancy commenced on 23 July 1968, at an initial rent of £156 per annum, payable in advance in equal monthly instalments.
15. The tenant is responsible for the payment of Council Tax and Water Rates. Section 11 of the Landlord and Tenant Act 1985 ('the 1985 Act') applies. The tenant is responsible for internal decorations. The landlord is responsible for repairs and external decorations. Neither furniture nor any services are provided under the tenancy.

Submissions – Fair Rent Appeal Statements

16. The Tribunal has considered the case *de novo* (from anew) and has limited its considerations to reach its decision to those points in the papers relevant to the determination of the fair rent.
17. In her Statement dated 30 January 2026, Ms Horsell confirms the information in the Rent Register is accurate, other than the rent. Ms Horsell's description of the property is of a one-bedroom flat on the first floor. The accommodation outlined aligns with that of the Rent Register.
18. In the Rent Officer's consultation and consideration notes dated 8 October 2025, the property is described as having a dated kitchen, a dated bathroom, single glazed windows and central heating. In the screen shot of the Rent Officer's determination, adjustments to the market rent have been made for: tenant's decorations liability, no floor coverings/curtains, unmodernised kitchen and unmodernised bathroom, inter alia.
19. Under 'Disrepair/Defects' Ms Horsell says "Old but in working order no shower." Under 'Any Other Comments' Ms Horsell goes on to say "In the town centre."
20. Ms Horsell has not given her assessment of the rental value of the property but includes lettings' particulars for Flats 2 & 5, 74 Fore Street.

On whether the Maximum Fair Rent Order is to apply or not, Ms Horsell says "Incorrect figure supplied on RR1 Form" and concludes to say demand is high for the town centre but does not comment on whether demand exceeds supply for the property.

21. Flat 2, 74 Fore Street: this one-bedroom flat is marketed to let at £825 per calendar month, albeit later in the lettings' particulars it says £800 per calendar month.
22. Flat 5, 74 Fore Street: this one-bedroom flat is on the second floor and is marketed to let at £800 per calendar month, albeit later in the lettings' particulars it says £675 per calendar month.

The Law

When determining a fair rent, the Tribunal, in accordance with the Rent Act 1977 ('the Act'), 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 any other defect attributable to the tenant or any predecessor in title under the regulated tenancy, on the rental value of the property.

In *Spath Holme Ltd v Chairman of the Greater Manchester & Lancashire Rent Assessment 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 comparable lettings. (These rents may have to be adjusted where necessary to reflect any relevant differences between those comparable lettings and the subject property).
23. Section 72A - Amounts attributable to services: In order to assist authorities to give effect to the housing benefit scheme under Part VII of the Social Security Contributions and Benefits Act 1992 or to assist the Secretary of State in the administration of universal credit, where a rent is registered, there shall be noted on the register the amount (if any) of the registered rent which, in the opinion of the rent officer or appropriate tribunal, is fairly attributable to the provision of services, except any amount which is negligible in the opinion of the officer or, as the case may be, the tribunal.
 24. The Tribunal is also to have regard to the Rent Acts (Maximum Fair Rent) Order 1999 ('the Order'), 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 ('RPI'). 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.

25. 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.
26. As this is the first registration of the fair rent at the property, the Order does not apply.
27. For completeness section 2(7) of the Order is as follows, 'This article does not apply in respect of a dwelling-house if because of a change in the condition of the dwelling-house or the common parts as a result of repairs or improvements (including the replacement of any fixture or fitting) carried out by the landlord or a superior landlord, the rent that is determined in response to an application for registration of a new rent under Part IV exceeds by at least 15% the previous rent registered or confirmed.'
28. 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 landlord's statutory repairing obligations; the tenant is responsible for internal decorations.

Considerations and Valuation

29. Having reviewed the papers, the Tribunal first considered whether it felt able to decide this case reasonably and fairly based on the papers submitted only, with neither an inspection, nor an oral hearing. Having read and considered the papers the Tribunal decided it could do so.
30. In the first instance the Tribunal determined the market rent per calendar month the landlord could reasonably expect to receive on the valuation date, 25 February 2026, on the assumptions the property was in good condition, with carpets (flooring coverings), curtains and white goods provided by the landlord.
31. To determine the market rent, the Tribunal notes the two comparable lettings' properties at 74 Fore Street provided by Ms Horsell. Having consulted the National Energy Performance Register online, the Tribunal noted the property to have an Energy Performance Certificate ('EPC') Rating of 'E' which expires in June 2030.
32. Taking the above into consideration and of its own general knowledge of market rents in the Totnes area, at the valuation date, the Tribunal determined the market rent of the property to be £650 per calendar month, before any adjustment(s) which it deemed appropriate to be applied.
33. From the submissions given by Ms Horsell and the information provided by the Rent Officer, the Tribunal has determined adjustments are required to be applied to the market rent to reflect: (1) the tenant's provision of the central heating, (2) no double glazing, (3) the tenant's provision of carpets (floor coverings) and curtains, (4) the tenant's

provision of the White Goods, (5) the tenant's internal decorations' obligation, (6) the unmodernised kitchen, and (7) the unmodernised bathroom/WC.

34. The Tribunal determined a deduction in aggregate of £270 per calendar month be applied to the market rent, made up of as follows:

| | |
|-------------------------------------------|------------|
| No Central Heating | £75 |
| No Double Glazing | £25 |
| No Carpets (floor coverings) and Curtains | £50 |
| White Goods | £45 |
| Internal decorations' obligation | £25 |
| An unmodernised kitchen | £25 |
| An unmodernised bathroom/WC | <u>£25</u> |
| | |
| £ Per Calendar Month | £270 |

35. £650 per calendar month minus £270 per calendar month to equal £380 per calendar month (or £4,560 per annum).

36. Turning to the question of scarcity, that is whether the demand for such properties exceeds the supply, neither party has given any evidence on the subject. The Rent Officer has made a deduction from its adjusted market rent of 4.94% (in effect - 5%) for the same. With its general knowledge of the lettings market in the area, the Tribunal has concluded there is no adjustment required for scarcity in this registration of fair rent. Accordingly, the fair rent is £380.00 per Calendar Month.

37. The Tribunal is not required to calculate the maximum fair rent prescribed by the Order as this is the first registration of the fair rent at the property.

Decision

38. Accordingly, the Tribunal determined the Fair Rent of the property to be registered at **£380.00 (Three Hundred and Eighty Pounds) per Calendar Month, to take effect from 25 February 2026.**

39. The Rent Acts (Maximum Fair Rent) Order 1999 does not apply because this is the first registration of the fair rent at the property.

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 a written application by email to rpsouthern@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 days' 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 days' 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.