



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

Case Reference	:	LON/00AY/F77/2026/0039
Property	:	68a Gipsy Hill Lambeth London SE19 1PD
Applicant	:	Mr T Hemmings (Tenant)
Representative	:	None
Respondent	:	Ellis & Sons Amalgamated Properties SPG (Landlord)
Representative	:	None
Type of Application	:	S.70 Rent Act 1977 – Determination of a new fair rent
Tribunal Members	:	Mr N. Martindale FRICS
Date and venue of Meeting	:	8 April 2026 First Tier Tribunal (London) HMCTS 10 Alfred Place, London WC1E 7LR
Date of Decision	:	8 April 2026

REASONS FOR DECISION

Background

- 1 By an application of 31 October 2025 the landlord asked the Rent Officer for registration of a fair rent. The rent stated as payable at the time of the application was £765 pcm without a service charge. The landlord sought a new rent of £870 pcm without a service charge.
- 2 The registered rent set by the Rent Officer had been £720 pcm (not £765 pcm as the RR1 referenced) with effect from 5 December 2023.

There was an objection to the new fair rent from the tenant. The First Tier Tribunal was notified of this objection and a request for a fresh determination of the rent.

Directions

- 3 Directions were issued on 17 February 2025 by the Tribunal, for case progression. Neither party requested a hearing.

Representations

- 4 Standard Reply Forms were issued by the Tribunal prior and both parties invited to complete and return them. The Tribunal did not receive completed forms but it is grateful to the parties for such representations as were made.

Inspection

- 5 The Tribunal did not inspect the Property. The Tribunal was however able to externally view it from Google Streetview (@ April 2025). The Property was part of what a former mid Nineteenth Century family home on two levels plus attic rooms and perhaps basement. The Property was on the lower ground floor. Pedestrian access to the Property is via internal common parts, from the street via a small front yard. There is restricted on street and no off street parking, in what is an established Victorian residential area of Gipsy Hill a busy residential road.
- 6 Externally the building containing the Property, appeared to be in fair condition, with a white painted rendered finish to the front and side external walls. The Property is recorded as having a 3 or 4 rooms (but was unclear), bathroom/wc and kitchen. The Property has been treated by the Tribunal as having 3 rooms.
- 7 There appears to be no double glazed windows, but the old timber double hung sashes with single glazing. It is assumed that white goods Were not provided. Carpets are not mentioned but with curtains these are usually provided by the tenant.

Law

- 8 When determining a fair rent the Committee, 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.

- 9** 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
- (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).
- 10** Where the condition of a property is poorer than that of comparable properties, so that the rents of those comparables are towards twice that proposed rent for the subject property, it calls into question whether or not those transactions are truly comparable. Would prospective tenants of modernized properties in good order consider taking a tenancy of an un-modernised house in poor repair and with only basic facilities or are they in entirely separate lettings markets? The problem for the Tribunal is that the only evidence of value levels available to us is of modernised properties. We therefore have to use this but make appropriate discounts for the differences, rather than ignore it and determine a rent entirely based on our own knowledge and experience, whenever we can.
- 11** On the evidence of the comparable lettings and our own general knowledge of market rent levels in and around LB Lambeth, the Tribunal accepts that the Property would let on normal Assured Shorthold Tenancy (AST) terms, for £1750 per calendar month. This then, is the appropriate starting point from which to determine the rent of the Property as it falls to be valued.
- 12** The Tribunal did not note any significant issues or deficiencies at the Property other than the lack of double glazing. For this shortcoming the Tribunal makes an allowance of £175 pcm. The adjusted market rent is therefore £1575 pcm.
- 13** The Tribunal also has to consider the element of scarcity and whether demand exceeded supply. The Tribunal found that there was scarcity in the locality of Lambeth for this type of property and makes a further deduction of 20% from the adjusted market rent, leaving an uncapped fair rent of £1260 pcm.
- 14** The fair rent to be registered on this basis alone would be £1260 pcm, but, the new rent is limited by the statutory Maximum Fair Rent Cap calculation. The MFRC limits any increase to the change in RPI (set

two months prior at each date), between the date of the last registration of a fair rent and the current, plus 5%. The calculations are shown in the MFR form and this caps the new fair rent at £814 pcm. As the MFR cap is below the uncapped fair rent, the new fair rent is capped at £814 pcm. The new fair rent is therefore registered at £814 pcm.

- 15** The Rent Act makes no allowance for the Tribunal to take account of hardship arising from the new rent payable compared with the existing rent registered. **The landlord is entitled but, not compelled, to charge the tenant rent at the registered figure from the effective date below. The landlord may not charge more than the fair rent but may charge less if it wishes to, or is otherwise required to, under other regulations which may limit its increases in rent as a landlord.**
- 16** The RR1 Form filed with the Tribunal refers to a current rent at £765 pcm. However as noted above the Tribunal found the last registered rent prior to this decision, to be set at £720 pcm wef December 2023. The maximum recoverable sum was therefore £720 pcm and not £765 pcm. Any excess billed and collected over this lower figure, since the last review, must be credited to the tenant's rent account. The matter can be formally determined by referral to the County Court, if required.

Chairman N Martindale FRICS

Dated 8 April 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).