



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

Case Reference : **CAM/00KC/F77/2026/0004**

Property : **Swiss Cottage
Old Warden
Biggleswade
Bedfordshire
SG18 9HQ**

Applicant Landlord : **The Shuttleworth Trust**

Representative : **None**

Respondent Tenant : **Mr Paul H Quenby**

Representative : **Robinson & Hall LLP**

Type of Application : **Section 70 Rent Act 1977 (“the Act”)
Determination by the First-Tier Tribunal
of the fair rent of a property following an
objection to the rent registered by the
Rent Officer.**

Tribunal Members : **Mr I R Perry FRICS**

Date of Inspection : **None. Determined on the papers**

Date of Decision : **28th April 2026**

DECISION

Summary of Decision

On 28th April 2026 the Tribunal determined a Fair Rent of £983.50 per calendar month with effect from 28th April 2026.

Background

1. On 12th November 2025 the Landlord's representative applied to the Rent Officer for registration of a Fair Rent for the property.
2. The rent was previously registered on 14th December 2022 at a figure of £831.50 per calendar month ("pcm") following a determination by the Rent Officer. This rent was effective from 14th December 2022.
3. A new rent was registered by the Rent Officer on 8th January 2026 at a figure of £977.50 pcm. This new rent was effective from 8th January 2026.
4. On 15th January 2026 the Tenant queried the details of the Rent Officer's decision and having received a reply dated 19th January 2026 raised a formal objection to the new rent and the matter was referred to the First-tier Tribunal Property Chamber (Residential Property), formerly a Rent Assessment Committee.
5. The Tribunal does not routinely consider it necessary and proportionate in cases of this nature to undertake inspections or hold Tribunal hearings unless either are specifically requested by either party or a particular point arises which merits such an inspection and/or hearing.
6. The Tribunal office issued directions on 12th March 2026 which informed the parties that the Tribunal intended to determine the rent on the basis of written representations subject to the parties requesting an oral hearing. No request was made by the parties for a hearing.
7. Both parties were invited to include photographs within their representations if they so wished and were informed that the Tribunal might also consider information about the property available on the internet.
8. Both Landlord and Tenant made submissions to the Tribunal which had also been copied to the other party.
9. These reasons address the key issues raised by the parties. They do not recite each and every point referred to either in submissions or during any hearing. However, this does not imply that any points raised, or documents not specifically mentioned were disregarded. If a point or document was referred to in the evidence or submissions that was relevant to a specific issue, then it was considered by the Tribunal. The Tribunal concentrates on those issues which, in its opinion, are fundamental to the application.

The Law

10. When determining a fair rent the Tribunal, 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.
11. 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).
12. The Tribunal also has to consider the Rent Acts (Maximum Fair Rent) Order 1999 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 Prices Index. 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. 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.
13. 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 landlords statutory repairing obligations; the tenant is responsible for internal decorations.

The Property and Submissions

14. From the information provided and available on the internet, the property can be described as a listed detached house in a semi-rural position about 4 miles west of Biggleswade.
15. The accommodation includes a hall, living room, dining room, kitchen, 3 bedrooms and a bathroom with WC. Outside there are gardens and some outbuildings.

16. The Landlord's Agent describes the internal accommodation as being in good condition and provided evidence of comparable properties with rents ranging from £1,400 to £1,500 pcm.
17. The Tenant states that he installed the central heating in 1977, but it has been maintained by the Landlord since 2022. The Tenant has also replaced fireplaces in the kitchen and hall, installed some double glazing at ground floor level updated the kitchen in 1982 and updated the bathroom in 2002.
18. The Energy Performance Rating for the property is 'E'.
19. The Tenant also provided a note he had sent to the Landlord's Agent setting out some of his personal circumstances and the work he had carried out over more than 50 years, the tenancy having commenced on 1st April 1976.
20. The Rent Officer had determined that an open market rent for the property in good condition with modern facilities and the Landlord being responsible for internal decoration, and having provided carpets, curtains and white goods would be £1,450 pcm. This was then adjusted by £290 pcm to reflect the Tenant's liability for internal decoration, the dated bathroom and kitchen, the Tenant's provision of carpets, curtains and white goods and scarcity.
21. The Rent Officer had arrived at a new rent of £1,045 pcm with effect from 8th January 2026, but this was then capped by The Rent Acts (Maximum Fair Rent) Order 1999 at £977.50 pcm.

Determination and Valuation

22. The Tribunal first considered whether it felt able to reasonably and fairly decide this case based on the papers submitted only, with no oral hearing. Neither party had requested an inspection or hearing. Having read and considered the papers which included some photographs, it decided that it could do so.
23. The Tribunal noted that the initial question about the rent as assessed was dated just more than the statutory 28 days from the decision. On 16th February 2026 the Rent Officer had stated that postal delays in their area "are horrendous at present" and could not be certain when the Parties would have received the Rent Officer's decision.
24. The Tribunal noted that the Tenant had raised questions about the new rent just outside the 28-day period but, having received an electronic response had then promptly raised an objection to the new rent.
25. In the circumstances the Tribunal determined that it would be reasonable to accept the Tenant's objection and would consider the correspondence from the Parties and determine a rent as at the new date of determination.

26. In the first instance the Tribunal 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 good condition that is considered usual for such an open market letting. Market rents are usually expressed as a figure per month and a letting would normally include floorings, curtains and white goods to all be provided by the Landlord.
27. In determining an 'open market rent' the Tribunal had regard to the evidence supplied by the parties and the Tribunal's own general knowledge of market rent levels in the area of Letchworth, Hitchin and surrounding villages.
28. Having done so it concluded that such a likely market rent would be £1,500 per calendar month.
29. However, the property was not let in a condition considered usual for a modern letting at a market rent. Therefore, it was first necessary to adjust that hypothetical rent of £1,500 per calendar month particularly to reflect the fact that the carpets, curtains and white goods were all provided by the Tenants which would not be the case for an open market assured shorthold tenancy.
30. Further adjustments were necessary to reflect the Tenant's liability for internal decoration, the dated Kitchen and Bathroom and poor energy rating.

Tenant's provision of carpets	£50
Tenant's provision of white goods	£30
Tenant's provision of curtains	£15
Tenant's provision of heating	£50
Tenant's liability for internal decoration	£50
Unmodernised bathroom	£50
Unmodernised kitchen	£100
Poor Energy Rating	<u>£50</u>
TOTAL deduction per month	£395

31. The Tribunal noted the number of properties available to rent in the area as advertised on Rightmove and Zoopla, and concluded that there was no substantial scarcity element in the area of Letchworth, Hitchin and surrounding villages.
32. In the Tribunals opinion there should be no deduction for scarcity as it is considered demand does not outweigh supply of rented properties in the area.

Decision

33. Having made the adjustments indicated above the Fair Rent determined by the Tribunal for the purpose of section 70 of the Rent Act 1977 was accordingly £1,105 per calendar month.

34. The Section 70 Fair Rent determined by the Tribunal is above the maximum fair rent of £983.50 pcm permitted by the Rent Acts (Maximum Fair Rent) Order 1999 details of which are shown on the rear of the Decision Notice and accordingly we determine that the lower sum of £983.50 per month is registered as the Fair Rent with effect from the later date of 28th April 2026, this being the date of the determination.

Accordingly, the sum of £983.50 per calendar month will be registered as the Fair Rent with effect from the 28th April 2026 this being the date of the Tribunal's decision.

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 written application by email to rpeastern@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 day 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 day 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.