



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

Case Reference : **HAV/00LC/F77/2025/0630**

Property : **59 The Spires, Rochester, Kent,
ME2 2PY**

Applicant Tenant : **Mrs C Warren**

Respondent Landlord : **Orbit Housing Association**

Type of Application : **Determination Following an Objection
to the Registration of a Fair Rent**

Tribunal Members : **D W Cotterell FRICS
J Coupe FRICS**

Date of Inspection : **None, determined on the papers**

Date of Decision : **25 March 2026**

DECISION

Summary of Decision

- 1. On 13 March 2026 the Tribunal determined a Fair Rent of £702.50 per calendar month to take effect from 25 March 2025.**

Background

2. The case concerned the determination of a Fair Rent for the subject property following an objection by the applicant tenant to the Registration of a Fair Rent pursuant to the Rent Act 1977.
3. On 6 June 2025, received on 12 June 2025, the respondent landlord submitted an application for the registration of a fair rent for the Property and on 31 July 2025, the Rent Officer registered a rent of £521.29. On 6 August 2025, received on 12 August 2025, the tenant objected to the registration and on 27 August 2025, the Rent Officer referred the matter to the Tribunal for determination.
4. 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 or hearing.
5. The Tribunal issued Directions on 9 September 2025 informing the parties that, unless either party objected, the Tribunal intended to determine the rent based on written representations; it also provided a blank rent appeal statement proforma for the parties to complete. The parties were invited to make submissions which could include photographs or videos.
6. The landlord submitted papers to the Tribunal on the 17 September 2025 which had been copied to the opposing party.
7. Neither party objected to the matter being determined without an inspection or oral hearing, so the Tribunal determined the case on 13 March 2026 based on the written representations received.
8. 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

9. When determining a fair rent in accordance with section 70 of the Rent Act 1977, the tribunal has regard to all the circumstances (other than personal circumstances) including the age, location and state of repair of the property.
10. 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 - other than as to rent - to that of the regulated tenancy) and 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.
11. The rent has been previously registered, and the Rent Acts (Maximum Fair Rent) Order 1999 therefore applies unless there are significant improvements made by the Landlord which increase the rent which would be registered by more than 15%. There are no such improvements in this case. The previous registration is therefore the starting point for assessing the new rent under the Order. The Order sets out the basis for calculating the new rent which is the increase in the Retail Prices Index from the last registration date plus 5% where the rent has previously been registered.
12. Schedule 11 paragraphs 5A & 6 of The Rent Act 1977 provide the statutory procedure for dealing with objections to a registration of rent by the Rent Officer. Where a rent has been registered or confirmed by the Rent Officer they must notify the landlord and the tenant accordingly, by a notice stating that if, within 28 days of the service of the notice or such longer period as the Rent Officer or the Tribunal may allow, an objection in writing is received by the rent officer from either, then the matter will be referred to the appropriate tribunal.

The Property

13. From the information given in the papers, the property comprises a terraced house built between 1965-1980, having partial central heating with accommodation extending to a sitting room, kitchen, 2 bedrooms, bathroom / WC and externally, a garage and garden.
14. The Property is located at Strood, on the western outskirts of the town to the south of the M2's Junction 1. It is situated within a Postwar residential neighbourhood, having some local amenities and bus services in Bligh Way (500m).
15. The Property is occupied under the terms of a shared ownership lease in which the rent is calculated by reference to the Property's fair rent.

Submissions & Evidence

16. The Tribunal has the benefit of a copy of the Register detailing a registration of a rent of £521.29 per calendar month, registered on 31 July 2025 and effective from 5 September 2025, together with the Rent Officer's "Shared Ownership Worksheet" and a schedule of comparable lettings of property in the vicinity.
17. In the tenant's letter of objection of 6 August 2025, they set out the basis of objection, that: *"... it represents an unreasonable rise in rent from £349.22 per Calendar month, to £521.29, a rise of £172.07. This is approximately a 50% rise from last year. According To my tenancy agreement the rent should not increase by more than 1% per year. I have an old agreement going back over 40 years so maybe this has been overlooked. I have had to spend a large amount of money on the property including new windows and removal of asbestos that Orbit have never contributed to even though they own 75% of this property. I also don't have full central heating, only 1 radiator downstairs. This is the first time in 40 years that I have appealed a valuation."*
18. No other submissions having a bearing on valuation were made by the parties.

Consideration and Valuation

19. 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. Having read and considered the papers it decided that it could do so.
20. The Tribunal is required to determine the rent at which the subject property might reasonably be expected to be let in the open market by a willing Landlord under an assured tenancy, and to adjust that amount to reflect the Property's circumstances as being occupied under a shared ownership lease where the tenant owns, in this case, a 25% share of equity. The personal circumstances of the Parties are not relevant to this issue.
21. Having carefully considered the representations from the parties and associated correspondence and using its own judgement and knowledge of rental values in Strood and surrounding areas, the Tribunal decided that having regard to the Property's condition and amenities the market rent for a property let on an assured tenancy would be in the region of £1,125 per calendar month (£259.62/week).
22. Such an open market letting would be for a tenable property in good order with the Landlord responsible for internal decoration and on the basis that carpets, curtains and white goods would all be provided by the Landlord. In this case however, the Tribunal does not consider that the fittings supplied are sufficient to justify a rent of £1,125 per calendar month and therefore that amount needs to be adjusted to reflect shortcomings.
23. Using its experience the Tribunal decided that the following adjustments should be made:

Tenant's provision of white goods	£ 40 / month
No double glazing	£ 10 / month
Tenant's provision of carpets & curtains	£ 40 / month
Partial central heating	£ 10 / month
	—————
TOTAL deduction per month	£ 100 / month
24. The adjusted market rent is therefore £1025 per calendar month (£236.54/week).
25. The insurance cost is £23.17 / month and adjustment for tenant's liability for repairs (@5%) is £56.25. The Tribunal made no adjustment for scarcity in this location.

26. The Fair Rent before adjustment for equity share is £945.58 / month. The Tenant's equity in the Property is 25%, and accordingly the s.70 (fair) rent is £709.18 / month.
27. That amount is subject to capping according to the provisions of the Rent Acts (Maximum Fair Rent) Order 1999 which indicates a cap of £705.50 / month. The calculation of the capped amount is shown on the decision form.

Determination

28. The uncapped rent being higher than the capped amount, the lower rent of £705.50 per month is therefore to be registered as the fair rent for this 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 written application to the First-tier Tribunal at the Regional office which has been dealing with the case. Where possible you should send your application for permission to appeal by email to rpsouthern@justice.gov.uk as this will enable the First-tier Tribunal Regional office to deal with it more efficiently.
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.
5. Either party seeking to appeal a decision are referred to form RPPTA.