



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

Case Reference : **HAV/CAM/38UD/F77/2025/0028**

Property : **107 Harpsden Road
Henley-on-Thames
Oxfordshire
RG9 1ED**

Applicant Landlord : **Whitestrاند Limited**

Representative : **Martin & Pole**

Respondent Tenant : **D B Dewdney**

Representative : **None**

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 : **6th October 2025**

Date of Decision : **6th October 2025**

DECISION

Summary of Decision

On 6th October 2025 the Tribunal determined a Fair Rent of £685 per month with effect from 6th October 2025.

Background

1. On 7th May 2025 the Landlord's Agent applied to the Rent Officer for registration of a Fair Rent for the property.
2. The rent was previously registered on 30th March 2022 at a figure of £680 per month following a determination by a Rent Officer. This rent was effective from 30th March 2022.
3. A new rent was registered by the Rent Officer on 1st July 2025 at a figure of £665 per month. This new rent was effective from 1st July 2025.
4. The rent determined was below the previous Fair Rent registered.
5. On 7th July 2025 the Landlord's Agent objected to the new rent and the matter was referred to the First-tier Tribunal Property Chamber (Residential Property), formerly a Rent Assessment Committee.
6. 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.
7. The Tribunal office issued directions on 5th August 2025 which informed the parties that the Tribunal intended inspect the property in this case but would then determine the rent based on written representations.
8. Both parties were invited to include photographs within their representations if they so wished.
9. The Landlord's Agent submitted papers to the Tribunal including a completed Reply Form dated 20th August 2025.

The Inspection

10. The Tribunal inspected the property on 6th October 2025 and found it to be an end-terraced house, probably built before 1914, situated in a pleasant residential area.
11. The main entrance door opens into a living room with bay window which in turn leads to a kitchen which was formerly a second living room. Steps go down from the kitchen to a former small scullery/kitchen now used as a utility, off which there is a WC which was originally accessed from the garden.

12. Narrow stairs with small treads rise from the ground to the first floor. A small landing gives access to a bedroom at the front to the house and a rear bedroom which contains a wash basin and a small shower cubicle.
13. Outside there is a token fore garden with small gardens to rear and side. Parking is on street only. There is a garden shed to the rear which belongs to the Tenant.
14. The Tribunal noted rising dampness at ground level, poorly fitting windows and external doors, some settlement between the utility/WC and main house and a gap between the roof and rear side wall over the utility.WC.
15. The single glazed windows have been refurbished with new glass that is heavier than the original. The sash weights have not been adjusted. This causes the windows to fully open, and they need to be wedged if this is not what is desired.
16. A new central heating system was installed by the Landlord a year ago but hot water is still supplied by electric heaters. The Tenant informed the Tribunal that the Energy Performance rating is 'E'.

Submissions

17. During the inspection the Tenant explained that she and her husband had provided the garden shed, had installed all the kitchen units and sink, had rearranged the lower ground floor so that the WC could be accessed from inside the house and had installed the shower cubicle and wash basin.
18. All white goods, carpets and curtains are provided by the Tenant.
19. The Landlord's Agent refers to a 2-bedroom house in Wokingham where the Fair Rent was recently increased from £710 to £740 per month suggesting that this might be subject to a statutory formula and to a house in Bagshot but subject to an increase that took place in **2019**.
20. The submission from the Agent states that there is no central heating, which is incorrect, suggests that the former kitchen might be regarded as a study area/utility room, and does not state whether any improvements have been carried out by either party.

The Law

21. 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.

22. 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).
23. The Tribunal also has to have regard to 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 Price 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.
24. 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.
25. The Tribunal had regard to the observations and comments by the parties and also relied on its own knowledge and experience of local rental values in determining the rent.
26. 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.

Determination and Valuation

27. 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 a hearing and Landlord, nor its Agent had attended the inspection. Having read and considered the papers it decided that it could decide the case on the information available.

28. The Tribunal determined that without the Tenants improvements the house would only have an outside WC, would only have a small scullery style kitchen and would have no bath, washbasin or shower. The Tribunal did not consider that the utility area could reasonably be described as a study area.
29. The Tribunal found the property to be in a reasonable habitable condition with newly provided central heating, but the doors and single glazed windows are poorly fitting and there is dampness throughout at ground level. The only bathing facility is the shower cubicle within bedroom 2. And there is no washbasin in the ground floor WC.
30. 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 Henley-on-Thames and surrounding areas. Having done so it concluded that such a likely market rent would be £1,200 per calendar month.
31. 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 £1,200 per calendar month particularly to reflect the fact that the carpets, curtains and white goods were all provided by the Tenant which would not be the case for an open market assured shorthold tenancy.
32. Further adjustments were necessary to reflect the Tenant's liability for internal decoration, dampness, poor fitting doors and windows, and inconvenient layout with bathing facility in bedroom 2 and WC on ground floor.
33. Further adjustments were necessary to reflect the Tenant's provision of kitchen fittings and shower, and the conversion of the WC to be accessed from inside the house Effectively the house is to be valued without these improvements.
34. The Tribunal therefore considered that this required a total deduction of £515 per month made up as follows:

Tenant's provision of carpets	£50
Tenant's provision of white goods	£30
Tenant's provision of curtains	£15
Tenant's conversion of WC to inside access	£75
Tenant's provision of kitchen and fittings	£120
Tenant's provision of bathing facility	£75
Dampness	£50
Poor fitting doors and windows/ poor EPC rating	£50
Bathing facility in bedroom and WC on ground floor	<u>£50</u>

TOTAL adjustment per month	£515
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RENT DETERMINED	£685
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35. 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 Henley and surrounding areas.

Decision

36. 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 £685 per calendar month.
37. The Section 70 Fair Rent determined by the Tribunal does not exceed the maximum fair rent of £886.50 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 sum of £685 per month is registered as the Fair Rent with effect from 6th October 2025.

Accordingly, the sum of £685 per month will be registered as the Fair Rent with effect from the 6th October 2025, 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.