



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

Case Reference : **MAN/00BN/F77/2025/0043**

Property : **66 Hartington Street Manchester M14
4RP**

Applicant : **Ms Beverley Baker**

Respondent : **Mosscaire St Vincent's Housing Group**

**Type of
Application** : **Rent Act 1977 Schedule 11– Fair Rent
Determination**

**Tribunal
Members** : **Mr J Stringer, Tribunal Judge
Mr Irfan Arif, FRICS, Valuer Member**

Date of Decision : **1st April 2026**

DECISION

1. The fair rent is £119.00 per calendar month (pcm). The effective date is 1st April 2026. The amount for services is nil. The amount for fuel charges (excluding heating and lighting of common parts) not counting for rent allowance is nil. .

REASONS

Preliminary Matters

1. In accordance with the '*Practice Direction from the Senior President of Tribunals: Reasons for decisions*', this decision refers

only to the main issues and evidence in dispute, and how those issues essential to the Tribunal's conclusions have been resolved.

Inspection and form of determination

2. The property was inspected on 1st April 2026.
3. The Applicant was not present at the inspection (it is understood the Tribunal appointment letter did not specify the inspection time), but the Applicant's partner, Mr Louis Simpson, was present and was familiar with the property, and identified relevant matters to the Tribunal.
4. Neither party requested a hearing and the application was determined on the basis of the papers submitted by the parties in advance of the inspection, and the inspection.

The Law

5. The relevant law and how that law is to be applied by the Tribunal is set out in Schedule 1 to these Reasons.

Background to the application

6. The property (66 Hartington Street, Moss Side, Manchester, M14 4RP) is subject to a protected tenancy which commenced on 27th January 1997.
7. This application is made by Ms Baker. The application has arisen because on 26th September 2025 the Respondent landlord, applied to the Valuation Office Agency (Rent Officer) for registration of a fair rent of £113.00 per week for the property.
8. The rent payable at the time of the application was £105.00 per week. The previous Rent Registration was registered on 18th September 2023 at a rent of £105.00 per week.
9. On 6th November 2025 the Rent Officer registered a fair rent of £118.00 per week, effective from that date.

10. The rent increase imposed by the Rent Officer was “capped” or limited by the operation of the Rent Acts (Maximum Fair Rent) Order 1999 (the Order).
11. By a letter dated 14th November 2025, the Applicant objected to the rent determined by the Rent Officer and the matter was referred to this Tribunal.

Relevant Evidence and the Tribunal’s Conclusions on the Issues

Description

12. The property is a three-bedroom bay fronted mid terrace house built in circa 1910, with accommodation arranged over ground and first floors. The property is pavement fronted with a small hard surfaced yard to the rear. The property is of cavity brick construction rising to a pitched and slate clad roof. There is a two-storey outrigger to the rear of solid brick elevations under a pitched and slate clad roof. Fenestration is by way of uPVC framed double glazed windows.
13. Accommodation: Ground Floor - entrance Hall, reception room and kitchen leading to the rear yard; First floor - landing, 2 no. double bedrooms, 1no. single bedroom/box room and bathroom comprising low level w.c., washbasin and bath with shower over.

Inspection

14. The Tribunal was informed that the landlord has re-wired the property, provided a new combi boiler and new kitchen (with tenant supplying some additional cupboards) – some exposed cable boxing and pipework was pointed out on the inspection. The tenant has supplied white goods (fridge freezer, washing machine, gas hob and oven, kitchen lino, carpets, curtains and blinds). There was some evidence of historic leaks and cracked plaster to the middle bedroom ceiling.

Evidence

15. The Tribunal had no written evidence from the parties, save that copies of the Rent Officer determination were provided.

Valuation

16. In the first instance the Tribunal determined what rent the landlord could reasonably expect to obtain for the property in the open market if it were let in the condition that is considered usual for such an open market letting. Based upon its expert knowledge of the area, the Tribunal consider that the subject property, if finished to a reasonable standard, would be likely to attract a rent let on an assured shorthold tenancy, of £1250.00 pcm (£288.46 per week).
17. Next, the Tribunal needs to adjust that hypothetical rent of £1250.00 pcm to allow for the differences between the terms of this tenancy, the lack of white goods, carpets and curtains, and the tenant's decorating responsibilities (disregarding the effect of the tenant's improvements and any disrepair or other defect attributable to the tenant).
18. Using its own expertise, the Tribunal considers that deductions of £125.00 per month should be applied in order to take into account of the lack of carpets/flooring, curtains and white goods. This reduces the hypothetical rent figure to £1125.00 pcm (£259.61 per week). This is the Tribunal's estimate of the amount by which the rent would need to be reduced to attract a tenant.

Scarcity

19. Thirdly, the Tribunal then went on to consider whether a deduction falls to be made to reflect scarcity within the meaning of section 70(2) of the 1977 Act. The Tribunal considered the decision of the High Court in *Yeomans Row Management Ltd v London Rent Assessment Committee*, in which it was held that scarcity over a wide area should be considered rather than scarcity in relation to a particular locality. In the Tribunal's opinion there should be no deduction for scarcity as it is considered demand does not outweigh supply of rented properties in the area.

Conclusion

20. The capping provisions of the Rent Acts (Maximum Fair Rent) Order do apply in this case.
21. Detailed calculations for the capped maximum fair rent are provided in Schedule 2 of this decision.
22. Therefore, £119.00 per week (£515.66 pcm) is the fair rent to be registered limited by the Rent Acts (Maximum Fair Rent) Order 1999 with effect from 1st April 2026, being the date of the Tribunals decision. The Tribunal note this exceeds the Landlord's proposed rent increase. The actual rent charged is a contractual matter between the parties and that rent figure is not required to reflect the Tribunal's determination, which is simply a determination of a Fair Rent.

Schedule 1

1. When determining a fair rent the Tribunal, in accordance with the Rent Act 1977, section 70, must have regard to all the circumstances including the age, location and state of repair of the property.
2. It also must disregard the effect of:
 - a. any relevant tenant's improvements and;
 - b. the effect of any disrepair or other defect attributable to the tenant, on the rental value of the property.
3. Section 70(2) of the Rent Act 1977 imposes on the Tribunal an assumption that the number of persons seeking to become tenants of similar dwelling house in the locality on the terms (other than those relating to rent) of the regulated tenancy is not substantially greater than the number of such dwelling houses in the locality which are available for letting on such terms. This is commonly called 'scarcity'.
4. In *Spath Holme Ltd v Chairman of the Greater Manchester Council* (1995) 28HLR 107 and *Curtis v London Rent Assessment Tribunal* [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).

5. The Rent Acts (Maximum Fair Rent) Order 1999 places a “cap” on the permissible amount of the increase of a fair rent between one registration and the next, by reference to the amount of the increase in the United Kingdom Index of Retail Prices between the dates of the two registrations.
6. Where the cap applies the Rent Officer and the Tribunal is prevented from increasing the amount of the fair rent that it registers beyond the maximum fair rent calculated in accordance with the provisions of the Order and the mathematical formula set out in the Order.
7. By article 2(7) of the 1999 Order the capping provisions do 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.”
8. Section 72 (1) (b) of the Act provides that the registration of a rent takes effect: “...if the rent is determined by the appropriate tribunal, from the date when the tribunal make their decision”.

Schedule 2

MAXIMUM FAIR RENT CALCULATION

LATEST RPI FIGURE x	408.2				
PREVIOUS FIGURE y	378.4				
X	408.2	Minus y	378.4	= (A)	29.8

(A) divided by = (B)
y

First application for re-registration since 1 February 1999:
YES/NO

If yes (B) plus 1.075 =

If no (B) plus 1.05 =
(C)

Last registered rent* Multiplied by (C) =

*(exclusive of any variable service charge)

Rounded up to nearest 50 pence =

Variable service charge: ~~YES~~/ NO

If YES add amount for

MAXIMUM FAIR RENT = **Per**

Explanatory Note

1. The calculation of the maximum fair rent, in accordance with the formula contained in the Order, is set out above.
2. In summary, the formula provides for the maximum fair rent to be calculated by:
 - (a) increasing the previous registered rent by the percentage change in the retail price index (the RPI) since the date of that earlier registration and

- (b) adding a further 7.5% (if the present application was the first since 1 February 1999) or 5% (if it is a second or subsequent application since that date).

A 7.5% increase is represented, in the calculation set out above, by the addition of 1.075 to (B) and an increase of 5% is represented by the addition of 1.05 to (B).

The result is rounded up to the nearest 50 pence.

3. For the purposes of the calculation the latest RPI figure (x) is that published in the calendar month immediately before the month in which the Committee's fair rent determination was made.
4. The process differs where the tenancy agreement contains a variable service charge and the rent is to be registered as variable under section 71(4) of the Rent Act 1977. In such a case the variable service charge is removed before applying the formula. When the amount determined by the application of the formula is ascertained the service charge is then added to that sum in order to produce the maximum fair rent.