



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

|                              |   |                                                           |
|------------------------------|---|-----------------------------------------------------------|
| <b>Case reference</b>        | : | HAV/00HB/F77/2026/0008                                    |
| <b>Property</b>              | : | Second Floor Flat, 12 West Mall, Bristol,<br>BS8 4BH      |
| <b>Applicant landlord</b>    | : | Mr B H White                                              |
| <b>Representative</b>        | : | None                                                      |
| <b>Respondent tenant</b>     | : | Ms D Miller                                               |
| <b>Representative</b>        | : | None                                                      |
| <b>Type of application</b>   | : | Determination of a Fair Rent<br>Section 70, Rent Act 1977 |
| <b>Tribunal members</b>      | : | Mr J G G Wilson MRICS<br>Mr S J Hodges FRICS              |
| <b>Date of consideration</b> | : | 6 July 2026                                               |
| <b>Date of decision</b>      | : | 6 July 2026                                               |

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**DECISION**

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## **Decision of the Tribunal**

**On 6 July 2026 the Tribunal determined a Fair Rent of £770.00p (Seven Hundred and Seventy Pounds) per Calendar Month to take effect from 6 July 2026.**

## **Background**

1. On 20 January 2026 Mr Brian White, the landlord, submitted his application for re-registration of Fair Rent ('RR1') to the Rent Officer to register a fair rent of £895.00 per Month for the Second Floor Flat, 12 West Mall, Bristol, BS8 4BH ('the property').
2. At paragraph 8 of the RR1 it is confirmed there are no services provided under the tenancy. Similarly, in paragraph 10 it is confirmed there is no furniture provided.
3. This was an application to re-register the fair rent from its previous registration of rent for the property by the Rent Officer of £736.50 per Month, effective from 24 April 2024.
4. At paragraph 12 of the RR1, the rent now is stated as £736.00 per Month.
5. A new rent of £764.75 per Month was registered by the Rent Officer, effective from 24 April 2026. The amounts for (d) Amount for fuel charges (excluding heating and lighting of common parts) not counting for rent allowance and for (e) Noted amount attributable to services are both blank.
6. In an email dated 10 March 2026 to The Valuation Office Agency ('the VOA') (sent to NSO Helpdesk (VOA)) Mr White submitted his objection to the new rent registered and the matter was referred to the First-Tier Tribunal Property Chamber (Residential Property), formerly a Rent Assessment Committee.
7. The Tribunal issued Directions dated 24 March 2026 ('the Directions'). The Tribunal does not consider it necessary and proportionate in cases of this nature neither to undertake an inspection, nor to hold a Tribunal hearing unless either are specifically requested by either party or a particular point arises which merits such an inspection and/or hearing.
8. The Tribunal in its Directions informed the parties that, unless either party objected, the Tribunal intended to determine the rent on the papers (written representations), paragraph 5.
9. Similarly, the parties were informed the Tribunal will not inspect the property but will seek to view it on the internet; and goes on to say if it considers it necessary, it may carry out an external inspection, paragraph 6.
10. The parties were directed to complete and return their Fair Rent Appeal Statement ('Statement') to form their statement of case, within specific time limits, paragraphs 8 – 12 inclusive. The Statement provides for photographs to be attached, to assist the Tribunal to understand the case and to help the party to present the issues.

11. The Tribunal issued further Directions dated 19 June 2026 ('the second Directions'), in which the dates by which the parties are to have given their Statements were varied to 26 June 2026 and 10 July 2026 respectively.
12. Both Mr White and Ms Deenagh Miller have given a Statement in accordance with the Tribunal's second Directions.

### **The Property**

13. 12 West Mall is mid-terrace Georgian townhouse over basement, ground and three upper floors, now converted into flats. The property is the second floor flat with accommodation described in the Rent Register to comprise, second floor – two rooms, one kitchen-diner and one bathroom/WC.
14. West Mall is located to the south-east of Clifton suspension bridge, adjacent to Caledonia Place.

### **The Tenancy Agreement and the Rent Register**

15. The Tribunal has not been provided with a copy of the tenancy agreement, although from the Rent Register and the RR1 it is understood to have commenced in November 1977.
16. The tenant is responsible for the payment of Council Tax and Water Rates. Section 11 of the Landlord and Tenant Act 1985 ('the 1985 Act') applies. The tenant is responsible for internal decorations. The landlord is responsible for repairs and external decorations. No furniture is provided under the tenancy.
17. The Tribunal has been provided with the Profit and Loss accounts for the service charge years ending 30 June 2025, 30 June 2024 and 30 June 2023. From its analyses of the same the Tribunal has determined: (d) Amount for fuel charges (excluding heating and lighting of common parts) not counting for rent allowance is not applicable, and (e) Noted amount attributable to services is negligible.

### **Submissions – Fair Rent Appeal Statements**

18. The Tribunal has considered the case de novo (from anew) and has limited its considerations to reach its decision to those points in the papers relevant to the determination of the fair rent.
19. In addition to the RR1 submitted by Mr White, he submitted his Statement on 24 June 2026. Ms Miller's Statement was submitted on 25 June 2026.

#### **Mr White's Statement**

20. Mr White confirms the information in the Rent Register is accurate, other than the rent. Mr White's description of the property aligns with that in the Rent Register.
21. Under 'Features', Mr White says the landlord has provided partial double glazing.

22. Under 'Improvements', Mr White says new uPVC windows were installed to the kitchen and bathroom in October 2025, and attempts have been made to install radiators. Hot water is provided by a 'combi boiler'. The Tribunal has been provided with an email dated 27 April 2026 from Ms Belinda White to Ms Miller expressing the landlord's intention to get three quotations to install central heating and to request dates for gas engineers to gain access. The Tribunal notes 27 April 2026 postdates the Rent Officer's registration date of 2 March 2026, and the Tribunal has not been provided with evidence of central heating having been installed over the interim to the valuation date.
23. Under 'Service Charges', Mr White says these were increased in July 2025 from £35 per month to £75 per month, and that a sum of £750 was also paid (for which no date has been given) to 'Top up funds to be used to address maintenance should it be required.' At this juncture the Tribunal notes the payment of service charge, to include any 'top up' funds, with respect to the property is the landlord's responsibility. The Tribunal has analysed the Profit and Loss accounts provided to determine whether there are sums to be taken into consideration under Registration of the fair rent, sections (d) and (e) in the Rent Register (see paragraph 17 above), and in its calculation of the maximum fair rent. In her Statement, Ms Miller confirms that she does not pay a service charge.
24. Under 'Disrepair/Defects', Mr White is unable to provide the Tribunal with any assistance for the reasons he gives. Under 'Any Other Comments', Mr White says the property is in an excellent location with access to public transport. The property overlooks and has access to a large public communal garden and 'Clifton village' with its local amenities is an extremely desirable area in Bristol in which to live.
25. Mr White gives his assessment of the rental value of the property albeit with the caveat of not having the benefit of having had access to inspect the flat and the building. In broad terms Mr White says one-bedroom flats in Clifton range from £1,050 per calendar month to £1,650 per calendar month, with a 'low end basic' of £1,050 per calendar month. Mr White goes on to outline that for such lettings the repairing and maintenance obligations, both internal and external, are the responsibility of the landlord.
26. On the question of whether the maximum fair rent order should apply, Mr White says 'N/A', but gives no reasons for the same. Finally, on whether the demand for such properties exceeds supply, Mr White says, 'Bristol is a 'University city' of excellent reputation and demand is high for rental properties.'

**Ms Miller's Statement**

27. Ms Miller confirms the information in the Rent Register is accurate, other than the rent, and her description of the property aligns with that in the Rent Register.
28. Under 'Features', Ms Miller confirms the landlord has provided partial double glazing, and includes a reference to public gardens.

29. Under 'Improvements', Ms Miller confirms the landlord's installation of the new windows in the kitchen and the bathroom.
30. Under 'Disrepair/Defects' Ms Miller says, '...No major interior repairs in 40 years. New boiler 2022/3. Tenant supplied all white goods. The plumbing is concerning. Still has old lead pipes. Other apartments have had an upgrade several years ago. There is no shower.'
31. Under 'Any Other Comments' Ms Miller says the property is fairly close to a few bus stops, for services to the city centre and the railway and bus stations.
32. Whereas Ms Miller does not give her assessment of the rental value, she says the landlord has provided neither fittings nor furniture, and the overall condition of the property is below the standard of comparable flats in the area.
33. On the question of whether the maximum fair rent order applies, the box is blank and on whether demand exceeds supply, Ms Miller does not address the question in terms of the Act.

### **The Law**

When determining a fair rent, the Tribunal, in accordance with the Rent Act 1977 ('the Act'), 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 any other defect attributable to the tenant or any predecessor in title under the regulated tenancy, on the rental value of the property.

In *Spath Holme Ltd v Chairman of the Greater Manchester & Lancashire Rent Assessment 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 comparable lettings. (These rents may have to be adjusted where necessary to reflect any relevant differences between those comparable lettings and the subject property).
34. Section 72A - Amounts attributable to services: In order to assist authorities to give effect to the housing benefit scheme under Part VII of the Social Security Contributions and Benefits Act 1992 or to assist the Secretary of State in the administration of universal credit, where a rent is registered, there shall be noted on the register the amount (if any) of the registered rent which, in the opinion of the rent officer or appropriate tribunal, is fairly attributable to the provision of services,

except any amount which is negligible in the opinion of the officer or, as the case may be, the tribunal.

35. The Tribunal is also to have regard to the Rent Acts (Maximum Fair Rent) Order 1999 ('the Order'), 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 ('RPI'). 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.
36. 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.
37. Section 2(7) of the Order is as follows, 'This article does 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.' The Tribunal expands on this later.
38. 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 landlord's statutory repairing obligations; the tenant is responsible for internal decorations.

### **Considerations and Valuation**

39. Having reviewed the papers, the Tribunal first considered whether it felt able to decide this case reasonably and fairly based on the papers submitted only, with neither an inspection, nor an oral hearing. Having read and considered the papers the Tribunal decided it could do so.
40. In the first instance the Tribunal determined the market rent per calendar month which the landlord could reasonably expect to receive on the valuation date, 6 July 2026, on the assumptions the property was in good condition, with carpets (flooring coverings), curtains and white goods provided by the landlord.
41. The Tribunal has been provided with a screen shot of the Rent Officer's comparable lettings of self-contained properties with two rooms in the BS8 postcode. The market rents range from £995 per month, up to £1,725 per month. The dates range from November 2025 to February 2026. No further information has been provided.
42. In addition, Mr White has given his assessment of the rental value, albeit it is given in broad terms.
43. Taking the above into consideration and of its own general knowledge of market rents in the area, at the valuation date, the Tribunal determined the market rent of the property to be £1,200 per calendar month, before

any adjustment(s) which it deemed appropriate to be applied.

44. From the submissions given by the parties, the information provided by the Rent Officer in its 'Determination' screen shot, the Tribunal has determined adjustments are required to be applied to the market rent to reflect: (1) no central heating, (2) no carpets (floor coverings) and curtains, (3) the tenant's provision of the White Goods, (4) the tenant's internal decorations obligation, (5) the unmodernised kitchen, and (6) the unmodernised bathroom/WC. The Tribunal has determined that adjustments are not required for the partial double glazing nor for any items of disrepair that have not otherwise been taken into consideration and accounted for in the adjustments.

45. The Tribunal concluded a deduction in aggregate of £430 per calendar month be applied to the market rent, made up of as follows:

|                                           |             |
|-------------------------------------------|-------------|
| No Central Heating                        | £120        |
| No Carpets (floor coverings) and Curtains | £40         |
| White Goods                               | £25         |
| Internal decorations obligation           | £20         |
| An unmodernised kitchen                   | £125        |
| An unmodernised bathroom/WC               | <u>£100</u> |
| £ Per Calendar Month                      | £430        |

46. £1,200 per calendar month minus £430 per calendar month to equal £770 per calendar month.

47. Turning to the question of scarcity, that is whether demand for such properties exceeds the supply. Whereas Mr White has given a submission, he has not addressed the question in terms of the Act. Ms Miller has not given a submission on the subject. The Rent Officer has made a deduction from its adjusted market rent of 5% for the same. With its general knowledge of the lettings market in the area, the Tribunal has concluded there is no adjustment required for scarcity in this registration of fair rent. Accordingly, the uncapped fair rent is £770 per Calendar Month.

48. The Tribunal now addresses the question as to whether the Order (the capping legislation) applies per se. Mr White says it is not applicable and Ms Miller has not left the box in her Statement blank. In the absence of any evidence to the contrary, the Tribunal is obliged to find the Order does apply.

49. The Tribunal is required to calculate the maximum fair rent prescribed by the Order in which the sum attributable to services has been calculated as 'negligible'. The Tribunal has calculated the maximum fair rent prescribed by the Order to equal £831.50p (Eight Hundred and Thirty-One Pounds and Fifty Pence) per Calendar Month, when rounded up to the nearest 50 (Fifty) pence.

## **Decision**

50. Accordingly, the Tribunal determined the Fair Rent of the property to be re-registered at **£770.00p (Seven Hundred and Seventy Pounds) per Calendar Month, to take effect from 6 July 2026.**
51. The capping provisions of the Rent Acts (Maximum Fair Rent) Order 1999 do not apply because the rent determined at paragraph 47 above is less than that prescribed by the Order.

### **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 a written application by email to [rpsouthern@justice.gov.uk](mailto:rpsouthern@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 days' 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 days' 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.