



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

Case Reference : **LON/00BF/F77/2026/0120
P:PAPERREMOTE**

Property : **58 Ambleside Gardens, Sutton,
Surrey SM2 5ES**

Applicant : **Orbit Housing Association**

Respondent : **Miss R Harmasz**

Type of Application : **Determination of the registered rent
under Section 70 Rent Act 1977**

Tribunal : **Mrs E Flint FRICS**

**Date and venue of
Hearing** : **20 July 2026
remote on the papers**

DECISION

The registered rent with effect from 20 July 2026 is £183.50 week inclusive of £12.32 per week service charge.

Background

1. On 12 February 2026 the landlord applied to the rent officer for registration of a fair rent of £198.80 per week for the above property.
2. The registered rent at the date of the application was £163 per week inclusive of £9.26 service charge which had been registered by the Tribunal on 10 May 2024 with effect from the same date.
3. On 24 March 2026, the rent officer registered a fair rent of £180 per week inclusive of £6.99 per week service charge with effect from 10 May 2026.
4. The landlord objected to the registered rent.
5. The tribunal issued Directions on 22 May 2026. The landlord made written submissions which were copied to the tenant. The tenant did not make any representations.

The Evidence

6. The landlord stated that there the tenant had been informed that the rent payable from 6 July will be £115.41 i.e. below the registered rent. The reason for objecting to the registered rent was that the rent officer had only included £6.99 per week for services which was below that requested by the Housing Association. A schedule of service charges was included with the submissions.

The Law

7. When determining a fair rent we, in accordance with section 70 of the Rent Act 1977, must have regard to all the circumstances including the age, location and state of repair of the property. We also must disregard the effect of any relevant tenant's improvements and 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. We are unable to take into account the tenant's personal circumstances when assessing the fair rent.
8. 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 to that of a regulated tenancy, and

That for the purposes of determining the market rent, assured tenancy market rents are usually appropriate comparables;

adjusted as necessary to reflect any relevant differences between the comparables and the subject property.

Valuation

9. In the first instance I 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 condition and on the terms considered usual for such an open market letting. In the absence of any rental evidence from either party I relied on my own general knowledge of rents within the vicinity and concluded that if the flat was in the condition usually found on the open market it would let for £300 per week.
10. However, it was first necessary to adjust the hypothetical rent of £300 per week to allow for the differences between the terms and condition considered usual for such a letting and the condition of the actual property at the valuation date, ignoring any tenant's improvements, (disregarding the effect of any disrepair or other defect attributable to the tenant or any predecessor in title). I determined that the hypothetical rent should be reduced by £60 to reflect the general condition of the flat lack of white goods, floor coverings, curtains and difference in terms and conditions.
11. This leaves an adjusted market rent for the subject property of £240 per week. I am of the opinion that there was substantial scarcity for similar sized properties in Greater London and therefore made a deduction of approximately 20% for scarcity. The uncapped fair rent is £192 per week.

Decision

12. The maximum fair rent is £183.50 as shown on the reverse of the decision sheet. Therefore, the rent will be capped under the provisions of the Order. Accordingly, the sum of £183.50 per week inclusive of £12.32 service charge per week will be registered as the fair rent with effect from 20 July 2026 being the date of my decision.

Chairman: Evelyn Flint

Dated: 20 July 2026

ANNEX - RIGHTS OF APPEAL

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the Tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the Regional Office which has been dealing with the case. The application should be made on Form RP PTA available at <https://www.gov.uk/government/publications/form-rp-pta-application-for-permission-to-appeal-a-decision-to-the-upper-tribunal-lands-chamber>

The application for permission to appeal must arrive at the Regional Office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28-day time limit, such application must include a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking. Please note that if you are seeking permission to appeal against a decision made by the Tribunal under the Rent Act 1977, the Housing Act 1988 or the Local Government and Housing Act 1989, this can only be on a point of law.

If the First-tier Tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).

