



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

Case reference : **LON/00BK/F77/2026/0034**

Property : **First Floor Flat (Flat 2), 35
Queensborough Terrace, London, W2
3SY**

Tenant : **Mrs Carla Turchini**

Representative : **n/a**

Landlord : **Mr Sebastian Tarnowski**

Representative : **n/a**

Date of objection : **14 December 2025**

Type of application : **Section 70, Rent Act 1977**

Tribunal member(s) : **Judge D Gethin
Mr M Bailey MRICS**

Date and Venue : **14 July 2026, 10 Alfred Place, London,
WC1E 7LR**

Date of decision : **28 July 2026**

DECISION

The sum of £1,680.00 per month, will be registered as the fair rent with effect from 28 July 2026, being the date the Tribunal made the Decision.

The Background

1. The Landlord submitted an application, dated 7 October 2025, to register a fair rent of £2,900.00 per month. Previously, the Rent Officer had registered a fair rent of £1,485.00 per month with effect from 6 January 2023.
2. Following this application, the Rent Officer registered a fair rent of £1,608.75 per month (inclusive of £7.98 per month for lighting to the common parts) with effect from 26 November 2025. Following an objection from the Landlord on 14 December 2025 to the determination of a fair rent by the Rent Officer, the Tribunal has made a determination under the provisions of the Rent Act 1977.
3. Directions were issued on 6 February 2026.
4. The property is described in the Rent Register as a self-contained converted flat, built between 1919-1944 without central heating comprising:-

2 Room(s), 1 Kitchen - Diner, 1 Bath/WC, 1 Thru-Room, 1 Terrace.

Inspection

5. The Tribunal carried out an inspection of the Property on 14 July 2026. Present were the Tenant and Landlord.
6. The Property is located in Bayswater, close to Kensington Gardens and both Queensway and Bayswater underground stations. It is on the first floor of a converted 7-storey townhouse (including basement accommodation). The building is accessed from a communal front entrance door with entryphone system. There is a tiled hallway and communal staircase covered in slightly worn carpet.
7. The subject Property is accessed by means of double doors from the first-floor landing leading to an entrance hall. It has wooden parquet floor in a herringbone style and a high ceiling throughout with ornate cornice moulding. At the end of the hall is a small dining area, off which is a small galley kitchen. The kitchen units and worktops were installed by the Tenant in 2009.
8. The Property appears to have been converted from a single large room by means a central non-structural partition running from front to rear.

This has created two reception rooms at the front of the Property, the larger of the two containing a large, ornate stone fireplace.

9. On the other side of the partition is the second reception room, to the rear of which is a bedroom divided off by a further partition (with glass at high level) and which is accessed from the hallway also. The bedroom is presumably what is recorded in the Rent Register as the Thru room.
10. Both reception rooms have French doors which are quite substantial in nature and are replacement uPVC units installed since the fair rent was last registered. The stonework has been renewed and repainted when the French doors were replaced. They lead out onto a shallow terrace which has been re-felted at the same time in Summer 2024.
11. The windows are double glazed, and the only heating is two electric heaters in the two reception rooms. There are several cracks to the interior of the plaster and flaking of plaster in some places for which the Tenant is responsible for its decoration. The tiling of the bathroom is in slightly poor condition and the immersion heater, which supplies the hot water in the bathroom and kitchen, and its pipework is not boxed in.
12. Based on the inspection, we do not accept the Landlord's submission that the Property has two bedrooms. In valuation terms, it is more appropriately considered as a relatively large 1-bedroom property with two substantial reception rooms.

Evidence

13. The Tribunal had consideration of the written submissions provided by the Tenant and the Landlord, together with oral evidence given during the Hearing by both parties. The Tenant was supported at the hearing by her partner, Mr Miles McCleod.

Submission by the Landlord

14. The Landlord in their objection disagreed with the description of the condition of the Property and that the Property is unmodernised. The Landlord was unhappy with the proposed rent given the requirements on landlords including electrical safety, the local selective licensing rules and the increase in costs such as insurance and utilities. The Rent Officer had only increased the rent by 8% despite there being no increase for 2 years.

15. The Landlord pointed to the replacement French doors, renewal of the stonework around these and the re-felting of the terrace to the front of the building in Summer 2024.
16. Although it is the Tenant's responsibility to redecorate, the Landlord said that he had offered to do this.
17. The Landlord's comparables ranged from £2,249 pcm to £3,350 pcm for 1-bedroom properties and from £3,488 pcm to £5,500 pcm for 2-bedroom properties.
18. The Landlord sought to introduce further comparables during his oral evidence, namely three flats within the building. The Landlord said that Flat 9 is let at £2,750 per month and is in similar condition to the Property but is has lower ceilings and is on the fifth floor with no lift. The basement flat is let at £2,600 per month for a 2-bedroom/2-bathroom property that has been recently modernised including water bills. The ground floor flat has the same footprint and is let as a 2-bedroom/2-bathroom recently modernised flat at £3,250 per month.
19. The Landlord said that he currently resides in the studio flat in the building with his son. He asked whether he could request the Tenant to move into the subject Property. That is not within the Tribunal's jurisdiction, but it seems to the Tribunal extremely unlikely that the Tenant would agree to surrender her Rent Act tenancy.

Submission by the Tenant

20. The Tenant described a number of matters at the Property which whilst providing a historical perspective had all taken place prior to the last fair rent being registered and therefore not to be considered by the Tribunal.
21. The Tenant complained that the large ledge behind the toilet cistern resulted in it being difficult to open the bathroom window. The Tenant described the exposed pipework in the Property.
22. The Tenant said she had not redecorated the rooms because it would involve erecting scaffolding because of the height of the rooms. It is not in dispute that the Tenant has covenanted to redecorate the Property. She did not want the papered plasterwork repaired where it had cracked. When she has asked for repairs to be undertaken by the Landlord, The Tenant said that she was not happy with the workmanship of the Landlord's contractors. She pointed to the replacement French doors which she said had unnecessarily wide

frames reducing light into the Property and were the cause of a trip hazard upon accessing the balcony.

23. The Tenant said that this was the fifth rent increase since 2012 and in that time, the rent has increased by 80%. However, this simply reflects the effect of inflation over that period.
24. The Tenant said that the Landlord's comparables were for properties in better condition with better bathrooms than her own and were for short term lets of 1 week to 1 year.

Determination and Valuation

25. In determining the level of rent for the fair rent, the Tribunal must carry out a valuation under section 70 of the Rent Act 1977 and then an assessment under the Rent Acts (Maximum Fair Rent) Order 1999.
26. The latter assessment is dependent on the inflation rate between the last registered rent and the date of the current determination which is the date of hearing. The Tribunal must then adopt the lower of the two figures as the fair rent to be registered.
27. The Tribunal cannot have recourse to other fair rented properties as comparables. The approach the Tribunal must take is to consider the open market value of the Property and make suitable adjustments.
28. The Tribunal considers many of the comparables provided by the Landlord are of little relevance to this matter; it was not provided with photographs, only hyperlinks to websites which the Tribunal will not generally access, and the rents provided are those advertised rather than for tenancies let. Only the 2-bedroom properties exceeded £3,350 pcm and we disregarded those. The 1 -bedroom properties were significantly less and, again, we did not have any meaningful description other than overall room size for some of the comparables.
29. The Landlord did not provide a cogent explanation as to why he had not included the known rental values of properties within the building until giving his oral evidence. In any event, the Tribunal does not consider those to be comparable given the differences in layout and condition.
30. The Tenant had not provided comparables.
31. Having considered the comparable evidence proved by the Landlord, notwithstanding the comments above as to whether it is genuinely comparable, and its own expert general knowledge of rental values in

the area, we consider that the open market rent for the Property in good tenable condition would be in the region of £2,500.00 per calendar month having regard for the French doors, the current exterior condition of the Property and the useable balcony. We do not consider that the works undertaken in Summer 2024 would have increased the rental value by 15% or more.

32. From this level the Tribunal then adjusts the market rent to reflect the condition of the property. The value of those adjustments is shown below:

- (1) Kitchen outdated and Tenant provided white goods – £150 pcm
- (2) Dated bathroom – £100 pcm
- (3) Tenant responsibility to decorate interior – £50 pcm
- (4) No curtains and carpets provided by the Landlord – £50 pcm
- (5) No central heating – £50 pcm

33. We then considered the issue of scarcity. The Tribunal was not provided with any specific evidence on this issue. However, the issue of scarcity is considered on the basis of the number of properties available to let and considering the demand for such properties over a large area. Neither party provided any specific evidence in respect of scarcity. Therefore, using our knowledge and experience we consider that in the wide geographical area of Greater London there is an imbalance between supply and demand and this impacts upon rental values. Accordingly, we make a deduction for scarcity of 20%.

34. The full valuation is shown below:

Starting Rent	<u>£2,500.00</u> pcm
<u>Less</u> Items given under (1) to (5) above	£450.00 pcm
<u>Less</u> 20% for scarcity	£420.00 pcm
Market rent	£1,680.00 pcm

Decision

35. The rent calculated under section 70 Rent Act 1977 is £1,680.00 per month including £7.98 per month for lighting of the common parts.
36. The rent calculated under the Rent Acts (Maximum Fair Rent) Order 1999 is £1,709.00 per month. The Landlord should have regard for the fact that that cap will apply unless there have been repairs or

improvements to the property (or common parts) since the last registration and the new rent exceeds the previously registered rent by more than 15% as a result of those repairs or improvements. We found that the Summer 2024 works did not disapply the cap. A rent of £2,900 per month, as proposed by the Landlord, would not be registered as a fair rent in these circumstances.

37. The uncapped fair rent initially determined for the purposes of section 70, is below the maximum fair rent of £1,709.00 per month calculated under the Rent Acts (Maximum Fair Rent) Order 1999. Therefore, the rent will not be capped under the provisions of the Order. Accordingly, the Tribunal determines the rent to be registered is £1,680.00 per month, with effect from 28 July 2026 being the date of the decision.

Name: Judge D Gethin

Date: 28 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 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. Any appeal in respect of the Housing Act 1988 should be on a point of law.

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