



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

Case Reference	:	LON/00AG/F77/2026/0143
Property	:	Ground Floor Flat, Leavesden, Branch Hill Hampstead London NW3 7LY
Applicant	:	Aldridge Estate investment Company Ltd. (Landlord)
Representative	:	None
Respondent	:	Richard Friend (Tenant)
Representative	:	None
Type of Application	:	S.70 Rent Act 1977 – Determination of a new fair rent
Tribunal Members	:	Mr N. Martindale FRICS
Date and venue of Meeting	:	8 September 2026 First Tier Tribunal (London) HMCTS 10 Alfred Place, London WC1E 7LR
Date of Decision	:	8 September 2026

REASONS FOR DECISION

Background

- 1 By an RR1 application, the landlord asked the Rent Officer for registration of a fair rent. The registered rent at that time was £1485 including a service charge of £54.12 pcm.
- 2 With effect from 25 May 2026, the Rent Officer registered a fair rent of £1521 pcm, including a variable service charge of £14.08 pcm. A party

objected to the new fair rent. The First Tier Tribunal was notified of this objection and a request for a fresh determination of the rent.

Directions

- 3 Directions dated were issued by the Tribunal, for case progression. Neither party requested a hearing.

Representations

- 4 Standard Reply Forms were issued by the Tribunal prior. The Tribunal determined the new rent with the assistance of such written statements from the parties as were received and for which the Tribunal is grateful. Neither party provided evidence of properties in the locality, to let or let.

Inspection

- 5 The Tribunal did not inspect the Property. The Tribunal was however able to externally view the Property from Google Streetview and other online records (@ September 2024). The Property, a self contained flat on the ground floor of a former large family home from the late Nineteenth Century.
- 6 The Property accommodation appears to be a double bedroom, single bedroom, living room, kitchen, bathroom/ wc. From an external view the Building where the Property is located was fair faced brick walling and a hipped tiled main roof over the Building of which the Property forms a part. There is no double glazing. There is no mention of furniture or carpets or white goods being provided by the landlord. The tenancy began 1 October 1972.

Tenants Representations

- 7 The tenant referred to some errors in the RR1 notice which had initiated the rent setting process months earlier with the Rent Officer.
- 8 The tenant stated that they had over the years, carried out many improvements and some small repairs at the Property, without obligation under the lease but at their expense. The value of these improvements and other more routine repairs should not be included in the rent charged on review. Other minor disrepair items, remained.
- 9 The tenant's improvements were said to include: A new replacement bathroom, a new replacement kitchen. The tenants repairs were said to include those to: Wood block flooring in most rooms, shelving, lighting to most rooms, door locks. The tenant also provided curtains and white goods.

Landlords Representations

- 10 The Tribunal did not receive any representations from the landlord.

Law

- 11 When determining a fair rent the Committee, 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.
- 12 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 emphasized
- (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).
- 13 Where the condition of a property is poorer than that of comparable properties, so that the rents of those comparables are towards twice that proposed rent for the subject property, it calls into question whether or not those transactions are truly comparable. Would prospective tenants of modernized properties in good order consider taking a tenancy of an un-modernised house in poor repair and with only basic facilities or are they in entirely separate lettings markets? The problem for the Tribunal is that the only evidence of value levels available to us is of modernised properties. We therefore have to use this but make appropriate discounts for the differences, rather than ignore it and determine a rent entirely based on our own knowledge and experience, whenever we can.
- 14 The Tribunal acknowledged the minor but not critical errors stated to be in the original RR1, however the Tribunal is involved on the trigger of an objection by either party at the conclusion of that earlier process. The Tribunal's decision is based on fresh representations from the parties received and the existing fair rent entry set some two years or more ago. The RR1 came to the attention of the tenant, was referred on

to the Rent Officer and subsequently processed on the back of an objection. It has no effect on the basis of the decision for the Tribunal.

- 15 On the evidence of the comparable lettings and our own general knowledge of market rent levels in and around LB Camden in general and Hampstead in particular the Tribunal accepts that the Property would let on normal Assured Periodic Tenancy (APT) terms, for £3,500 per calendar month. This then, is the appropriate starting point from which to determine the rent of the Property as it falls to be valued.
- 16 The Tribunal found there was no double glazing and a very basic kitchen and bathroom were assumed with some minor disrepair that subsisted (repaired by the tenants but ignored and others still in existence at the Property). These factors would collectively reduce that starting value by £1000 pcm. The adjusted market rental value would therefore be £2,500 pcm (including any service charge).
- 17 The Tribunal also has to consider the element of scarcity and whether demand exceeded supply. The Tribunal found that there was scarcity in the locality of LB Camden for this type of property and makes a deduction of £500 pcm from the adjusted market rent.
- 18 The fair rent to be registered on this basis alone would be £2000 pcm, but the new rent is limited by the statutory Maximum Fair Rent Cap calculation. The MFRC limits any increase to the change in RPI (set two months prior at each date), between the date of the last registration of a fair rent and the current, plus 5%. The calculations are shown in the MFR form which caps the fair rent at £1651.58 pcm including the service charge £14.08 pcm. The fair rent is registered at this figure.
- 19 The Rent Act makes no allowance for the Tribunal to take account of hardship arising from the new rent payable compared with the existing rent registered. The landlord is entitled but, not compelled, to charge the tenants rent at the registered figure from the effective date. However the landlord may not charge more than the fair rent.

Chairman N Martindale FRICS

Dated 8 September 2026

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 either party is dissatisfied with this decision, they may apply for permission to appeal to the Upper Tribunal (Lands Chamber) on any point of law arising from this Decision.

Prior to making such an appeal, an application must be made, in writing, to this Tribunal for permission to appeal. Any such application must be made within 28 days of the issue of this decision to the person making the application (regulation 52 (2) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rule 2013).

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.

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