



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

Case Reference : **LON/00AG/F77/2026/0151**

Property : **Flat D, 19 Belsize Park, London NW3
4DU**

Tenant : **Ms J M Standing**

Landlord : **Mountview Estates Plc**

Date of Objection : **12 June 2026**

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

Tribunal Members : **Ms S Beckwith MRICS
Mr N Powell MRICS**

**Date and venue of
Consideration** : **14 September 2026 at 10 Alfred
Place, London WC1E 7LR**

Date of decision : **17 September 2026**

DECISION

The sum of £1,808 per calendar month will be registered as the fair rent with effect from 17 September 2026, being the date the Tribunal made the Decision.

REASONS

Background

1. The Landlord applied to the Rent Officer for the registration of a fair rent for this property on **8 May 2026**.
2. A fair rent of **£1,730 per calendar month** was registered on **9 June 2026** following the application, such rent to have effect from **7 August 2026**. The Tenant subsequently challenged the registered rent on **12 June 2026** and the Rent Officer requested the matter be referred to the Tribunal for determination.
3. Directions were issued on **15 July 2026** by the Tribunal. The parties were directed to provide reply forms and invited to submit any relevant information and submissions. The Tenant returned the reply form with additional written submissions. The Tribunal did not receive a completed reply form from the Landlord. Letters were received confirming they had nothing to add to the Rent Officer's decision or the submissions from the Tenant.
4. The Tribunal's reply forms asked if the parties required a hearing or wished for the Tribunal to inspect. The directions provided that, if neither party requested a hearing, the Tribunal would consider the matter on the basis of the documents received. Neither party indicated that they required a hearing or inspection, therefore the Tribunal made a decision based on the documents received.

Evidence

5. The Tribunal considered the reply form provided by the Tenant and the documents provided by the Rent Officer, which include the Landlord's original application form. These documents include information about the physical characteristics and condition of the property.
6. In addition to comments about the physical characteristics of the Property, the Tenant commented:
 - There have been building works ongoing to other flats in the building since May 2024. The Tenant suggested in May 2026 that these were close to completion.
 - The Landlord has offered to undertake improvements to the flat and the Tenant has declined for various reasons, including having to vacate the flat to facilitate the works.

The Property

7. The Property is a first floor flat in a converted house, situated on a residential street of externally similar properties. There is a kitchen, living

room, bathroom/WC and three bedrooms. There is a balcony. The flat has no central heating, double glazing or insulation.

8. The Tenant provided dimensions of the rooms, indicating a substantial living room, three double bedrooms, but that the kitchen and bathroom were small.
9. The Tenant has provided all white goods, carpets and curtains. No improvements have been made to the Property since the Tenant moved in in 1964.

Law

10. When determining the fair rent, in accordance with the Rent Act 1977, section 70, “the Act”, the Tribunal shall have regard to all the circumstances (other than the personal circumstances of the parties) including the age, location and state of repair of the property. It shall also disregard 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.
11. In *Spath Holme Ltd v Chairman of the Greater Manchester etc. Committee (1995)* and *Curtis v London Rent Assessment Committee [1999]* the Court of Appeal emphasised that ordinarily a fair rent is the market rent for the property discounted for 'scarcity'. This is 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.
12. *Curtis v London Rent Assessment Committee (1999) QB.92* is a relevant authority in registered rent determination. This authority states where good market rental comparable evidence, i.e., assured tenancies, is available enabling the identification of a market rent as a starting point it is wrong to rely on registered rents. The decision provides that: “*If there are market rent comparables from which the fair rent can be derived why bother with fair rent comparables at all*”.
13. These market rents are adjusted where appropriate to reflect any relevant differences between those of the subject and comparable rental properties.
14. The Rent Acts (Maximum Fair Rent) Order 1999 applies to all dwelling houses where an application for the registration of a new rent is made after the date of the Order and there is an existing registered rent under part IV of the Act. This article restricts any rental increase to 5% above the previously registered rent plus retail price indexation (RPI) since the last registered rent. The relevant registered rent in this matter was registered on **7 August 2024 at £1,607 per calendar month**. The rent registered on 9 June 2026 subject to the current objection and subsequent determination by the Tribunal is not relevant to this calculation.

15. The Order is not applied should the Tribunal assess that as a consequence of repairs or improvements carried out by the Landlord the rent that is determined in response to an application for a new rent registration exceeds by at least 15% the previous rent registered. Repairs and improvements have not been carried out in this case, therefore this provision does not apply.
16. The Upper Tribunal in *Peabody Trust v Welstead* [2024] UKUT 41 (LC) addressed the reliance upon the experience and knowledge of a tribunal following an application to the Tribunal. Judge Martin Rodger KC, Deputy Chamber President said:

“The FTT is a specialist tribunal whose members are appointed because of their experience and professional backgrounds in residential property matters. Whilst sitting on the FTT its members will acquire further relevant experience and familiarity with general levels of value or costs in a particular area. This is one of the key strengths of the Tribunal system and it is particularly important in dealing with the numerous cases of modest value in which a decision has to be made on very limited information. Rent assessments are typical of those types of cases.”
17. Although this decision was concerned with management charges it also specifically addressed the role of the Expert Tribunal when little or no evidence is provided by the parties. The Deputy Chamber President said:

“It was entitled to rely on its general experience of management charges; that is what it was appointed to do and, in the absence of assistance from the parties, there was no other source on which it could rely.”
18. In this matter comparable rental information or scarcity data was not proffered by either party and the Tribunal had to rely upon their general knowledge and expertise. This approach accords with the Upper Tribunal guidance on the appropriate role of the Tribunal in such situations.

Determination and Valuation

19. The Tenant made substantial submissions about the history of the tenancy, the current Landlord and the system of rent increases. These have not been repeated here. As set out at paragraph 10 above, the personal circumstances of the parties are not relevant to the decision of the Tribunal.
20. Neither party provided evidence of comparable transactions. Having consideration of our own expert, general knowledge of rental values in the area, we consider that the open market rent for a similar sized property, in the condition considered usual for such an open market letting, would be in the region of **£3,800 per calendar month**.
21. From this starting point, the Tribunal adjusts to allow for the differences between the terms and conditions considered usual for such a letting and

the condition of the actual property at the date of the determination. Tenant's improvements are to be disregarded for the purpose of the valuation, however, there are none in this case.

22. There are substantial differences between the condition a property would be expected to be presented on the open market and the configuration and condition of the subject property. The Tribunal has taken into account these factors:
 - The property has no central heating and poor thermal efficiency due to the condition of the windows and lack of insulation.
 - The property is in an unimproved/unmodernised condition.
 - The Tenant has provided all floor and window coverings and white goods, which would usually be provided by a landlord in the open market.
 - The terms and conditions of the tenancy are such that the Tenant is responsible for internal decorations.
23. The attractiveness of the Property and therefore the rent that would be achievable would be impaired and the Tribunal has made a **37.5%** discount to the assumed open market rent to reflect the actual amenities and condition of the Property.
24. The Tenant provided information about works to surrounding properties which had caused disruption, however, these works appear to be complete. The Tribunal is valuing the Property as at the date of its decision and has not made adjustment for historic issues.
25. The provisions of section 70(2) of the Rent Act 1977 in effect require the elimination of what is called "scarcity". The required assumption is of a neutral market. Where a Tribunal considers that there is, in fact, substantial scarcity, it must make an adjustment to the rent to reflect that circumstance.
26. The decision of the High Court in *Yeomans Row Management Ltd v London Rent Assessment Committee [2002] EWHC 835 (Admin)* requires us to consider scarcity over a wide area rather than limit it to a particular locality. Greater London is now considered to be an appropriate area to use as a yardstick for measuring scarcity and it is clear that there is a substantial measure of scarcity in Greater London.
27. The Tribunal has relied on its own knowledge and experience of the supply and demand for similar properties on the terms of the regulated tenancy (other than as to rent) and in particular to unfulfilled demand for such accommodation. In doing so, it found that there was substantial scarcity in Greater London and therefore made a further deduction of **20%** from the adjusted market rent to reflect this element.
28. The full valuation is shown below:

			Per calendar month
MARKET RENT			£3,800
Less			
Terms of tenancy	)		
Tenant's provision of white goods, floor and window coverings.	)		
No central heating/poor thermal efficiency	)	approx. 37.5%	£1,425
Unmodernised kitchen/bathroom	)		
Market rent less deductions			£2,375
Less scarcity		approx. 20%	£475
Market rent less deductions and scarcity			£1,900
ADJUSTED MARKET RENT			£1,900

29. The Tribunal determines a rent of **£1,900 per calendar month**.

Decision

30. For the reasons given above, the Tribunal has arrived at an initial fair rent value of **£1,900 per calendar month**.
31. The capped rent for the property according to the provisions of the Rent Acts (Maximum Fair Rent) Order 1999 is calculated at **£1,808 per calendar month**. The calculation of the capped rent is shown on the decision form.
32. Accordingly, as the lower amount, the sum that will be registered as a fair rent with effect from **14 September 2026** is **£1,808 per calendar month**.

Chairman: Ms S Beckwith MRICS Date: 17 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 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).