



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

Case Reference : **JD/LON/OOAG/F77/2026/0146**

Property : **Flat 1, 169 –173 Malden Road,
London, NW5 4HT**

Tenant : **Ms Lynn Melvin**

Landlord : **Mr Anton Alexander & Mrs Naomi
Rosengarten**

Date of Objection : **18 May 2026**

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

Tribunal : **R Waterhouse FRICS
J Hoarey LLB (Hons)**

Date of Decision : **15 September 2026**

DECISION

The sum of £810.00 per month, will be registered as the fair rent with effect from 15 September 2026, being the date the Tribunal made the Decision.

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Full REASONS

Background

1. The landlord submitted an application, dated 30 March 2026 to register a rent of £975.00 per calendar month (pcm). Previous to the application the Rent Officer had registered a fair rent of £755.00 pcm registered on 6 March 2024 and with effect from 17 March 2024.
2. Following the application the Rent Officer registered a fair rent of £849.00 pcm on 8 May 2026 with an effective date of 8 May 2026. Following an objection from the tenant on 18 May 2026 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 9 July 2026. Neither party requested a hearing, the tenant requested an inspection, the Tribunal made its determination after the inspection of 15 September 2026.

The Property

4. The previous rent register entry stated “self - contained flat over commercial premises around 1800 to 1918, without central heating comprising 2 rooms, one kitchen and one bath/WC. The tenancy commenced 1 May 1979.

The Inspection

5. The Tribunal attended the property on the day appointed for the inspection. Present at the inspection was the tenant, Ms Lynn Melvin, the landlord or representative of the landlord was not present.
6. The inspection found the flat to be accessed from a communal front door on the street which leads through a covered corridor to the rear of the terrace of properties. This then leads to a set of concrete steps which lead to each of the floors of the terrace at the front. The subject premises is on the first floor. Immediately outside the front door to the flat is a small patio area. Through the front door there is on the immediate right a small bathroom. Within the bathroom is a basin and WC with high level cistern. These were present at the commencement of the tenancy. There is a newly fitted bath fitted by the landlord. The bathroom has single glazed windows and an electric heater; the tenant installed the electrics for the heater.
7. There is a narrow corridor with some shelving and architrave installed the tenant, this leads to the kitchen. The kitchen has electrical sockets installed by the tenant. Upon taking up the tenancy, the kitchen comprised a basin drainer and taps. Subsequently the tenant has installed base and wall cupboards, the fridge, and oven hob are the tenants. Through the kitchen the front room is reached, this faces the road and contains single glazed windows. There is a Victorian fireplace that has been installed by the tenant as are the shelving and dividing wall between kitchen and living room. The floor coverings are the tenants. There is no further outside space.

Evidence

Submission by the tenant

8. The tenant has submitted a completed Reply Form, received 27 July 2026. The Form requested an inspection but not a hearing.

The Reply Form notes;

- the flat is located on the first floor
- the flat comprises three rooms, living room, kitchen, bedroom, and a bathroom
- there is no central heating
- there is no double glazing
- the tenant supplied the carpet and curtains
- the tenant supplied the white goods
- the kitchen equipment, including electrical points, shelves and cupboards installed by the tenant
- The landlord added draft proofing to sash windows,
- kitchen light wiring broken
- power cables installed 10 years ago
- WC pan cracked
- intercom only partially working

Submission by the landlord

9. The landlord has not made any submissions.

Nature of flat to be determined

10. The Tribunal finds that the nature of the flat for which the rent is to be determined is that at the commencement of the tenancy that is the 1979 condition but with the landlord's improvements. Whilst the landlord has undertaken some repairs, there are no landlords' improvements noted. The last recorded repair being the bath replacement.

11. The flat for the purposes of the determination was in poor condition as identified above. In the absence of contradictory submission, the Tribunal finds the tenant has responsibility for internal repairs which is normal for regulated tenancies.

Valuation

12. 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. 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. The Tribunal cannot take into account the financial circumstances of the tenant in determining the rent.

13. The Tribunal must consider the flat in the condition as let but including the landlord's improvements, none are noted.

14. No comparable evidence has been provided by the either party. The Tribunal relies on its expertise and adopts the figure of £1800.00 per calendar month. This figure reflects the size and location immediately above a commercial premises.

15. From this level of rent we have made adjustments in relation to: (i) terms and conditions of the tenancy that is the tenant is responsible for internal decoration which is more onerous than contemporary tenancies from which the comparables are derived (ii) the condition as at the start of the tenancy compared with the condition of properties in a contemporary letting, (iii) the supply of curtains, flooring and white goods (iv) disrepair, and scarcity 20%.

Market Rent	£1800.00 per month
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Less: 35% for (i) to (iii) above; and 20% scarcity less	£990.00 per month
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Net rent	£810.00 per month
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Decision

16. The rent calculated under section 70 Rent Act 1977 is £810.00 per month.

17. The rent calculated under the Rent Acts (Maximum Fair Rent) Order 1999 is, £864.00 per month

18. The rent calculated under section 70 of the Rent Act 1977 rent is £810.00 per month. Therefore, the Tribunal determines the rent to be that calculated under section 70 which is £810.00 per month with effect from 15 September 2026.

Chairman: R Waterhouse FRICS

Date: 15 September 2026

Appeal to the Upper Tribunal

A person wishing to appeal this decision to the Upper Tribunal (Property Chamber) on a point of law must seek permission to do so by making a written application to the First-tier Tribunal at the Regional Office which has been dealing with the case which application must:

- a. be received by the said office within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
- b. 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.

If the application is not received within the 28 –day time limit, it must include a request for an extension of time and the reason for it not complying with the 28- day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.