FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case reference	**:**	**LON/00AH/F77/2026/0154**
Property	**:**	**Flat 3, 30 Normanton Road, South Croydon, CR2 7AR**
Landlord	**:**	**CC Nicolotti Squires & G S Nicolotti Marcoz**
Tenant	**:**	**Miss M J Thomas**
Date of objection	**:**	**2 July 2026**
Type of application	**:**	**Determination of the registered rent under Section 70 Rent Act 1977**
Tribunal member(s)	**:**	**Mr O Dowty MRICS** **Mr T Leppard MRICS**
Venue	**:**	**10 Alfred Place, London, WC1E 7LR**
Date of decision	**:**	**21 September 2026**

REASONS FOR DECISION

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DECISION

1. The sum that will be registered as a fair rent with effect from **21 September 2026** is **£644 per calendar month**.

Background

2. The Landlord applied to the Rent Officer for the registration of a fair rent for this property on **27 April 2026.**

3. A fair rent of **£639 per calendar month** was registered on **15 June 2026**, such rent to have effect from that date. The tenant subsequently challenged the registered rent on **2 July 2026**, and the Rent Officer requested the matter be referred to the tribunal for determination.

4. Directions were issued on **27 July 2026** by the Tribunal. The parties were directed to provide reply forms and invited to submit any relevant information and submissions. The tenant provided a reply form, but the landlord provided no submissions.

5. In the directions, the Tribunal indicated that if no hearing was requested by either party the Tribunal would make its decision based on the papers received from the parties. Neither party indicated that a hearing was required (nor requested an inspection), and we did not consider that one was necessary either. Accordingly, we determined this matter on the basis of the papers submitted to us by the parties.

The Property

6. The property is a 2 bed flat located on the 1st floor of a period building on Thornton Avenue – a residential street in close proximity to Turnham Green London Underground station.

7. The tenant submits (unopposed) that the property has a number of defects. In particular, the outer wall of one of the bedrooms is damp and there is rotten wood on a window frame. Two walls of the other bedroom have deep cracks and are damp – and there is a crack in the bathroom ceiling.

8. In addition, the property does not have central heating nor double glazing – and the tenant has provided the carpets & curtains and white goods. It is worth noting in the latter two cases that the tenant has indicated on her reply form both that there are no carpets nor curtains and that there are no white goods – but also that the tenant has provided the same. This is of no actual import, as we are to disregard their presence if they were provided by the tenant anyway.

The Law

9. When determining the fair rent, in accordance with the Rent Act 1977, section 70, "the Act", we had regard to all the circumstances (other than personal circumstances) including the age, location and state of repair of the property. We 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.

10. 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.

11. **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 shorthold 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"*.

12. The market rents charged for assured tenancy lettings often form appropriate comparable transactions from which a scarcity deduction is made.

13. These market rents are also adjusted where appropriate to reflect any relevant differences between those of the subject and comparable rental properties.

14. The Upper Tribunal in **Trustees of the Israel Moss Children's Trust v Bandy [2015]** explained the duty of the First-Tier Tribunal to present comprehensive and cogent fair rent findings. These directions are applied in this decision.

15. **The Rent Acts (Maximum Fair Rent) Order 1999** applies to 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 **17 January 2022** at **£528 per calendar month**. The rent registered on **15 June 2026** subject to the current objection and subsequent determination by the Tribunal is not relevant to this calculation.

Valuation

16. We were not provided with any submissions concerning the valuation itself, the tenant's submissions concerning the condition of the property and their personal circumstances. Whilst we are, of course, sympathetic to those circumstances, we are obliged to disregard them in our determination of the fair rent of the property.

17. Accordingly, we considered the value of the property in light of our general knowledge of rental values as an expert Tribunal. We considered that the property would let, if offered in good condition and on the terms considered usual in the market, for a figure around **£1,400 per calendar month**.

18. From that level of rent, we made adjustments in relation to:

    - The lease terms at the property being less attractive than would generally be expected in the market as regards the tenant's responsibility to carry out internal decorations – for which we made a 7.5% deduction

    - The tenant's provision of white goods, floor coverings and other similar furnishings which would generally be provided by a landlord on the market – for which we made a 5% deduction

    - The lack of central hearing & double glazing at the property, and that the tenant installed the kitchen fixtures – for which we made a 15% deduction

    - The condition of the property including damp, cracking, external maintenance and damaged window frames – for which we made a 15% deduction

19. 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. In the present case neither party provided evidence with regard to scarcity.

20. 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.

21. Assessing a scarcity percentage cannot be a precise arithmetical calculation. It can only be a judgement based on the experience of members of the Tribunal. We therefore relied on our 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, we 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.

22. The valuation of a fair rent is an exercise that relies upon relevant market rent comparable transactions and property specific adjustments. The fair rents charged for other similar properties in the locality do not form relevant transaction evidence.

23. Table 1 below provides details of the fair rent calculation:

Fair rent calculation in accordance with s(70) Rent Act 1977					
Market Rent		£1,400	per month		
LESS		Deduction per month	as % of monthly rent		
Lease Terms		£105.00	7.5%		
White Goods, Floor Coverings, Curtains, etc		£70.00	5.00%		
No central heating & Double Glazing; T installed Kitchen		£210.00	15.00%		
Condition		£210.00	15.00%		
Total deductions		£595.00	42.50%		
Market rent less deductions		£805.00	per month		
Less Scarcity 20.00%	of Market rent less deductions	£161.00			
Adjusted Market Rent		£644.00			
SAY		**£644.00**	**per month**	**Uncapped rent**	
Maximum capped rent in accordance with Rent Acts (Maximum Fair Rent) Order 1999		£683.00	per month	Maximum capped rent	
Fair Rent		**£683.00**	per month		

Table 1

Decision

24. For the reasons given above, we arrive at an initial fair rent value of **£644 per calendar month.**

25. As the value we arrived at is lower than the maximum rent prescribed by The Rent Acts (Maximum Fair Rent) Order of **£683 per calendar month,** the Fair Rent that can be registered is not capped by that order.

26. The statutory formula applied to the previously registered rent is at Appendix A.

27. Details of the maximum fair rent calculations are provided with the accompanying notice of our decision.

28. Accordingly, the sum that will be registered as a fair rent with effect from **21 September 2026** is **£644 per calendar month**.

Valuer Chairman: Mr O Dowty MRICS
Dated: 16 October 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 Tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).

Appendix A
The Rents Act (Maximum Fair Rent) Order 1999

(1) Where this article applies, the amount to be registered as the rent of the dwelling-house under Part IV shall not, subject to paragraph (5), exceed the maximum fair rent calculated in accordance with the formula set out in paragraph (2).

(2) The formula is:

$$MFR = LR\left[1 + \frac{(x-y)}{y} + P\right]$$

where:

- 'MFR' is the maximum fair rent;
- 'LR' is the amount of the existing registered rent to the dwelling-house;
- 'x' is the index published in the month immediately preceding the month in which the determination of a fair rent is made under Part IV;
- 'y' is the published index for the month in which the rent was last registered under Part IV before the date of the application for registration of a new rent; and
- 'P' is 0.075 for the first application for rent registration of the dwelling-house after this Order comes into force and 0.05 for every subsequent application.

(3) Where the maximum fair rent calculated in accordance with paragraph (2) is not an integral multiple of 50 pence the maximum fair rent shall be that amount rounded up to the nearest integral multiple of 50 pence.

(4) If $\frac{(x-y)}{y} + P$ is less than zero the maximum fair rent shall be the y existing registered rent.