FIRST - TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference	**:**	**JD/LON/00AK/F77/2026/0167**
Property	**:**	**11 Beech Road, London N11 2DA**
Tenant	**:**	**Mr & Mrs Mangan**
Landlord	**:**	**Inbar Ltd**
Landlord's Representative	**:**	**First Housing (MGM) Ltd**
Date of Objection	**:**	**24 July 2026**
Type of Application	**:**	**Determination of the registered rent under Section 70, Rent Act 1977**
Tribunal Members	**:**	**Judge S Agnew** **P Joseph MRICS**
Date and venue of Consideration	**:**	**10 Alfred Place, London WC1E 7LR** **21 October 2026**
Date of Decision	**:**	**21 October 2026**

DECISION

The sum of £227 per week will be registered as the fair rent with effect from 21 October 2026, being the date the Tribunal made the Decision.

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FULL REASONS

Background

1. On 11 June 2006 the landlord's agent, First Housing (MGM) Ltd submitted on the landlord's behalf an application to register a fair rent for this property of £403 per week.

2. The rent had been previously registered by the Tribunal on 8 March 2024 at a rent of £200 per week, effective from that date.

3. On 29 June 2026, the tenants emailed the Rent Officer, objecting to the landlord's application. The Rent Officer replied the same day to say that she would register the rent according to the condition of the property and the issues raised by the tenants in their email.

4. On 14 July 2026, the Rent Officer registered a fair rent of £227 per week effective from 14 July 2026.

5. On 24 July 2026, the tenants objected to the registered rent. Subsequently, the Rent Officer referred the matter to the First-tier Tribunal.

6. On 11 August 2026 the Tribunal issued directions setting out the timetable and the steps the parties were required to take in preparation for the determination of this case.

7. The landlord did not submit a reply form.

8. On 4 September 2026 the tenants provided a reply form, along with 25 photographs of the property.

9. The property is described in the Rent Register as a self-contained converted flat (c 1800-1918), modernised with full central heating comprising: three rooms, kitchen, bathroom/wc and a garden.

Evidence

10. Neither party requested a hearing.

11. In considering the fair rental value of the Property, the Tribunal has taken into consideration all the documentation before it, as well as the condition of the property on inspection.

12. The landlord's application form suggests that the landlord is responsible for 'repairs and external decorating, internal decorating, subject to section 11 of the Landlord and Tenant Act 1985'.

13. There is no evidence from the tenants on this point. The Rent Officer's valuation notes show that adjustments were made for: (i) the absence of

white goods; (ii) the absence of floor coverings and curtains; (iii) 'few units in kitchen by tenant'; and (iv) the tenants' decoration liability.

14. No copy of the tenancy agreement has been provided. The landlord's application form suggests that the tenancy started before 1989, while in their letter of objection dated 24 July 2026, the tenants say that they have lived at the property since 1972.

15. In the absence of evidence, it is difficult to say definitively who has the internal decoration responsibility. However, in the general knowledge and experience of the Tribunal, under tenancy agreements of this kind, most tenants bear the internal repairing obligation. Therefore, the Tribunal finds that in this case the tenants bear the internal repairing obligation.

16. Attached to the landlord's application form were anonymised extracts from a property website containing photos and asking rents for three other properties. Apart from this, neither the landlord nor its agent has provided any evidence or made any submissions to the Tribunal on the landlord's behalf.

17. The tenants make a number of points in relation to the condition of the property, as follows. They say that there is an ongoing problem with damp and mould in the property, which remains unresolved. In particular, the living room suffers from black rising damp and mould on the walls. Water comes in through the windows of the back bedroom (bedroom 2), and it is damp and cold. There is mould and damp in the bathroom, which they say needs repair and modernisation (the bath needs modification). Water comes in through the window of the front, bedroom (bedroom 1) which is extremely cold in winter, they cannot sleep in that room, and it has mould. There is also damp in the floors of several of the rooms. The tenants also refer to mould in the kitchen and say the units are in disrepair. The landlord has been aware of the damp and mould issues and water ingress. The tenants received correspondence from the landlord in July 2025 about it (which was not before the Tribunal), and asked the landlord to contact them again later in year when the damp and mould would be more visible, but as at July 2026 effective repairs had not been carried out.

18. The tenants also mention defects in the outside brickwork and plaster coming off. They say that outside the gutters need replacing, and there is a strong smell of upstairs sewerage water on occasion. The tenants add that there have been no significant improvements or substantial repairs carried out by the landlord over the past 4-5 years, and the condition of the property means that the description of it in the Rent Register as 'modernised' is inapt. They point out that previous registered rents for the property involved no or only minimal rent increases. Finally, they say that they are elderly tenants aged 80 and 81 and Mr Mangan suffers from pulmonary fibrosis, a serious respiratory

problem, which makes the continuing presence of damp and mould particularly concerning.

Inspection

19. The Tribunal inspected the property on the afternoon of 21 October 2026. Present was one of the tenants, Mr Mangan. No representative of the landlord was in attendance.

20. The subject property is a two-bedroom flat situated on the ground floor of a period building. It is accessed via a small communal entrance hall. The accommodation is accessed off a corridor and comprises: a long narrow hallway, two double bedrooms (one large double at the front of the property, and one smaller double behind it), a living room, a bathroom w/c and a small kitchen at the back of the property. There is a good-sized back garden which is accessed from the kitchen at the back of the property. The property has central heating.

21. During the inspection the Tribunal observed the condition of the property. There are indications of damp and mould in the back corner of the living room and below the window. There is also mould within the front bedroom (below the window and along the side wall). The second bedroom is also cold and damp, with mould starting in the bottom corner under the window. The bathroom is a little dated but in reasonable condition. There are some mould spots in the bathroom ceiling, some holes in the plaster on the internal wall to the corridor and some blistering paint in the corner. The bathroom backs onto an external store, which was quite dilapidated. The kitchen was in reasonable condition, with a modern boiler, although there was some damp visible on the kitchen wall above the sink and on the side wall next to the door giving access to the garden.

The Law

22. When determining a fair rent the Tribunal, in accordance with section 70 of the Rent Act 1977 (the 1977 Act), carries out a valuation of the property. In doing so, it has regard to all the circumstances including the age, location and state of repair of the property. It disregards 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.

23. In *SpathHolme 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 emphasised that:

    (a) 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) 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).

24. The Tribunal must then carry out an assessment under the Rent Acts (Maximum Fair Rent) Order 1999 (the 1999 Order). The 1999 Order provides the framework that places a ceiling on the maximum rent that can be registered. The calculation is based upon a formula that applies an increase in the monthly United Kingdom Index of Retail Prices to the previously registered rent.

Determination and Valuation

25. The Tribunal initially needs to determine what rent the landlord could reasonably be expected to obtain for the property in the open market if it were let today in the condition that is considered usual for such an open market letting. In doing this, the Tribunal considers the rental value of the property. It does not consider the personal circumstances of the tenant, as that is not a relevant factor for the purposes of section 70.

26. The tenants did not provide any evidence of value.

27. The comparable rental evidence provided by the landlord did not contain sufficient detail regarding the properties relied upon (eg as to nature of the property, size or location) to enable the Tribunal to undertake a meaningful assessment of their comparability with the subject property. Therefore, the tribunal attaches little weight to this evidence.

28. In the general knowledge and experience of the Tribunal, properties of this type and location achieve rents in the region of £1,700 per calendar month (equivalent to £392 per week). Therefore, Tribunal considers that the open market rent for the property in good tenantable condition would be in the region of £392 per week before making any appropriate adjustments.

29. The next step is to consider whether any adjustments need to be made to the hypothetical open market rent to reflect the condition of the property, but disregarding any improvements by the tenant other than those in accordance with the tenancy.

30. The Tribunal determines that the open market rent should be adjusted downwards to reflect the following factors.

(i) The tenant's responsibility for internal decoration, as this is more onerous than the position under contemporary tenancies and would negatively impact the amount a prospective tenant would offer for the property. The Tribunal determines that a deduction of 5% should be made for this.

(ii) At this level of rent the property would be furnished with suitable floor coverings, curtain/window coverings and a range of kitchen units and appliances. In this case the tenant has supplied window coverings, floor coverings, white goods and, according to the Rental Officer's calculations, a few kichen units. The Tribunal determines that a deduction of 7.5% should be made for this.

(iii) At this level of rent a prospective tenant could expect the property to be in better condition than it is. The Tribunal considers that a deduction of 15% should be made to reflect the general condition of the property, including the unmodernised bathroom and the presence of damp and mould within the property on the basis that the severity of this defect is deemed a material rental consideration by the Tribunal.

31. Finally, the issue of scarcity must be considered. Neither party provided the Tribunal with any specific evidence on this issue. The issue of scarcity is considered with regard to of the number of properties available to let and the demand for such properties across a large area. Using its knowledge and experience, the Tribunal considers that in the wide geographical area of Greater London there is an imbalance between supply and demand which impacts rental values. Accordingly the Tribunal determines that a deduction of approximately 20% should be made for scarcity.

32. The full valuation is shown below:

Market Rent		£392 per week
Less		
Tenant's internal decoration liability	) 5%	
Supply of floor coverings, curtains, white goods, some kitchen units	) 7.5%	
General condition (including damp)	) 15%	
Total adjustments	27.5%	107.80
Net market rent		284.20
Less		
Scarcity	approx. 20% of adjusted rent	56.84

Net market rent adjusted for scarcity (uncapped fair rent) £227.36

33. This produces a rent of £227 per week (rounded down from £227.36).

Decision

34. The uncapped fair rent initially determined by the Tribunal, for the purposes of section 70, was £227 per week.

35. The capped rent for the property according to the provisions of the Rent Acts (Maximum Fair Rent) Order 1999 is calculated at £230.50 per week. The calculation of the capped rent is shown on the decision form.

36. In this case the lower rent of £227 per week is to be registered as the fair rent for this property.

37. Accordingly, the sum of £227 will be registered as the fair rent with effect from 21 October 2026 being the date of the Tribunal's decision.

Chairman: Judge S Agnew

Date: 21 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 First-tier Tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).