

FIRST - TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference	**:**	**JD/LON/OOBJ/F77/2026/0185**
Property	**:**	**Basement Flat, 234 Merton Road, London, SW18 5JQ**
Tenant	**:**	**Mr Leonard Henry**
Landlord	**:**	**Northumberland & Durham Property Trust**
Date of Objection	**:**	**20 August 2026**
Type of Application	**:**	**Section 70, Rent Act 1977**
Tribunal	**:**	**R Waterhouse FRICS**
Date of Decision	**:**	**10 November 2026**

DECISION

The sum of £240.00 pw, will be registered as the fair rent with effect from 10 November 2026, being the date the Tribunal made the Decision.

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Full REASONS

Background

1. The landlord submitted an application, received 5 June 2026 to register a fair rent. The tenancy had run from 1989, and the previous rent was £235.00 per week registered on 25 July 2024 with effect from 25 August 2024.

2. After the application the Rent Officer registered a fair rent of £247.00 per week, registered on 20 July 2026 with an effective date of 25 August 2026.

3. Following an objection from the landlord dated 20 August 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.

4. Directions were issued on 15 September 2026.

Preliminary matters

5. Neither the landlord nor tenant requested a hearing. The tribunal did not consider a hearing proportionate.

6. An Order Form 1 was completed by Angela Hall on behalf of the tenant dated 20 October 2026. The form requested that the deadline for submission be extended from 12 October because the tenant's representative had had issues with supplying an electronic copy of their submission.

7. The tribunal notes that email sent by the tenant's representative was copied to the respondent on 17 October 2026.

8. The tribunal has received no submissions from the Respondent on the tenant's representative's submission made outside the directions timetable.

9. The tribunal determines that it will accept, in the interests of justice, the submission of the tenant's representative of 17 October 2026.

The Property

10. The current rent register entry described the property as being a self-contained converted flat built around 1800 to 1918, full central heating comprising on the basement floor, one room, one bath/WC, one living room/ kitchen and outside a garden.

Determination on papers

Evidence

Submission by the tenant

11.The tribunal received a Reply Form from the tenant noting the accommodation, that the central heating, double glazing, carpets, curtains and white goods were supplied by the tenant.

12. Additionally, that a handrail has been installed within the bathroom.

13. That the basement has long suffered from damp, that in 2022 some work was undertaken, but that the damp returned.

Tenancy terms

14. The tribunal has received no copy of a tenancy. The tribunal in the absent of the tenancy finds the regulated tenancy would contain provisions that the tenant is responsible for the internal decoration and white goods.

Submission by the landlord

15. The landlord made no submissions.

Valuation

16. 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.

17. Neither party has submitted comparable evidence. In the absence of such the tribunal drawing on its expertise determines the rent for the property if in good condition and let on a contemporary tenancy would attract a rental bid of £1900.00 per month.

18.The tribunal has made adjustments for the difference in terms of the tenancy, that is the tenant responsible for curtains, carpets, white goods and internal decoration and minor repairs. Additionally, that the kitchen and bathroom are as let in 1989 that is now dated, that the property suffers from damp. Finally, that the double glazing and central heating are said to be provided by the tenant, this being uncontested, the effect of which is that these improvements are disregarded from the determination. The deduction for these items is 35%.

19. The final adjustment is that required by statute that of scarcity which is taken as 20%.

The tribunal makes an adjustment 35%

Rent before adjustment £2000.00 pcm

Less 35% £700.00 pcm

Net rent before scarcity £1300.00 pcm

Deduct for scarcity 20% £260.00 pcm

Net rent £ 1040.00 pcm which is equivalent to £240.00 per week.

Decision

20. The rent calculated under section 70 Rent Act 1977 is £240.00 pw.

21. The rent calculated under the 1999 Order is £268.00 per week

22. The rent calculated under the section 70 was £240.00 pw is lower than the rent assessment under the 1999 Order. The Tribunal therefore determines the rent of £240.00 pw from the 10 November 2026.

Chairman: R Waterhouse FRICS

Date: 10 November 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.