

FIRST-TIER TRIBUNAL
PROPERTY CHAMBER (RESIDENTIAL PROPERTY)

Case Reference	:	**HAV/18UH/F77/2026/0028**
Property	:	**Garden Flat** **115 Coombe Valley Road** **Teignmouth** **Devon** **TQ14 9EN**
Applicant Landlord(s)	:	**L Vicary**
Representative	:	**None**
Respondent Tenant(s)	:	**P & A Still**
Representative	:	**None**
Type of Application	:	**Section 70 Rent Act 1977 ("the Act") Determination by the First-Tier Tribunal of the fair rent of a property following an objection to the rent registered by the Rent Officer.**
Tribunal Members	:	**I R Perry FRICS** **C D Barton MRICS**
Date of Inspection	:	**None. Determined on the papers**
Date of Decision	:	**7th October 2026**

DECISION

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Summary of Decision

On 7th October 2026 the Tribunal determined a Fair Rent of £572 per calendar month ("pcm") with effect from 7th October 2026.

Background

1. On 18th June 2026 the Landlord applied to the Rent Officer for registration of a Fair Rent for the property.

2. The rent was previously registered on 20th August 2024 at a figure of £505.50 pcm following a determination by the Rent Officer. This rent was effective from 20th August 2024.

3. A new rent was registered by the Rent Officer on 27th July 2026 at a figure of £541.50 pcm. This new rent was effective from 20th August 2026.

4. On 11th August 2026 the Landlord objected to the new rent and the matter was referred to the First-tier Tribunal Property Chamber (Residential Property), formerly a Rent Assessment Committee.

5. The Tribunal does not routinely consider it necessary and proportionate in cases of this nature to undertake inspections or hold Tribunal hearings unless either are specifically requested by either party or a particular point arises which merits such an inspection and/or hearing.

6. The Tribunal office issued directions on 9th September 2026 which informed the parties that the Tribunal intended to determine the rent on the basis of written representations subject to the parties requesting an oral hearing. No request was made by the parties for a hearing.

7. Both Landlord and Tenant made submissions to the Tribunal which had also been copied to the other party.

8. These reasons address the key issues raised by the parties. They do not recite each and every point referred to either in submissions or during any hearing. However, this does not imply that any points raised, or documents not specifically mentioned were disregarded. If a point or document was referred to in the evidence or submissions that was relevant to a specific issue, then it was considered by the Tribunal. The Tribunal concentrates on those issues which, in its opinion, are fundamental to the application.

The Law

9. When determining a fair rent the Tribunal, in accordance with the Rent Act 1977, section 70, had regard to all the circumstances including the age, location and state of repair of the property. It 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) 28 HLR 107 and *Curtis v London Rent Assessment Committee* [1999] QB 92 the Court of Appeal emphasised

    (a) that 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) that 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).

11. The Tribunal also must consider the Rent Acts (Maximum Fair Rent) Order 1999 where applicable. Most objections and determinations regarding rents are now subject to the Order, which limits the amount of rent that can be charged by linking increases to the Retail Prices Index. It is the duty of the Property Tribunal to arrive at a fair rent under section 70 of the Act but in addition to calculate the maximum fair rent which can be registered according to the rules of the Order. If that maximum rent is below the fair rent calculated as above, then that (maximum) sum must be registered as the fair rent for the subject property.

12. The tenancy is a statutory (protected) periodic tenancy and as such (not being for a fixed tenancy of 7 years or more) is subject to section 11 of the Landlord and Tenant Act 1985 which sets out the landlords statutory repairing obligations; the tenant is responsible for internal decorations.

The Property

13. From the information provided and available on the internet, the property can be described as a lower ground floor/ garden level flat within a semi-detached building approximately 600 metres from the frontage to the River Teign.

14. The accommodation includes a living room, kitchen/diner, bedroom, bathroom and storeroom. Outside there are 2 decking areas, 2 sheds and a garden sloping down and away from the building.

15. There is a disabled parking bay at the front of the building.

Evidence and Representations

16. The original tenancy began on 1st January 1978.

17. Heating is from electric heaters. Carpets, curtains and white goods are provided by the Tenants. Windows are double glazed. The Tenants refitted the kitchen and bathroom some years ago.

18. The Landlord refers to comparable properties in the town and suggests that a market rent for the Property would be £1,000 pcm.

19. The Tribunal had regard to the observations and comments by the parties and also relied on its own knowledge and experience of local rental values in determining the rent.

Valuation

20. The Tribunal first considered whether it felt able to reasonably and fairly decide this case based on the papers submitted only, with no oral hearing. Neither party had requested an inspection or hearing. Having read and considered the papers it decided that it could do so.

21. In the first instance the Tribunal determined what rent the Landlord could reasonably be expected to obtain for the property in the open market if it were let today in the good condition that is considered usual for such an open market letting. Market rents are usually expressed as a figure per month, and a letting would normally include floorings, curtains and white goods to all be provided by the Landlord.

22. In determining an 'open market rent' the Tribunal had regard to the evidence supplied by the parties and the Tribunal's own general knowledge of market rent levels in the area of south Devon. Having done so it concluded that such a likely market rent would be £800 pcm.

23. However, the property was not let in a condition considered usual for a modern letting at a market rent. Therefore, it was first necessary to adjust that hypothetical rent of £800 pcm particularly to reflect the fact that the carpets, curtains and white goods were all provided by the Tenants which would not be the case for an open market assured shorthold tenancy.

24. Further adjustments were necessary to reflect the Tenants liability for internal decoration and their provision of kitchen and bathroom fittings.

25. The Tribunal therefore considered that this required a total deduction of £215 per month made up as follows:

Tenant's provision of carpets and curtains	£30
Tenant's provision of white goods	£30
Tenant's liability for internal decoration	£30
Tenant's provision of kitchen fittings	£75
Tenant's provision of bathroom fittings	£50
TOTAL per month	£215

26. The Tribunal noted the number of properties available to rent in the area as advertised on Rightmove and Zoopla and concluded that there was no substantial scarcity element in the area of south Devon.

Decision

27. Having made the adjustments indicated above the Fair Rent determined by the Tribunal for the purpose of section 70 of the Rent Act 1977 was accordingly £585 pcm.

28. The Section 70 Fair Rent determined by the Tribunal is above the maximum fair rent of £572 pcm permitted by the Rent Acts (Maximum Fair Rent) Order 1999 details of which are shown on the rear of the Decision Notice and accordingly we determine that the lower sum of £572 pcm is registered as the Fair Rent with effect from 7th October 2026.

Accordingly, the sum of £572 per month will be registered as the Fair Rent with effect from the 7th October 2026 this being the date of the Tribunal's decision.

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application by email to rpsouthern@justice.gov.uk to the First-tier Tribunal at the Regional office which has been dealing with the case.

2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.

3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for 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.

4. The application for permission to appeal must 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.