



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

Case Reference : **CAM/00MD/F77/2019/0012**
Property : **42 Queens Road, Slough, SL1 3QP**
Applicant (Landlord) : **Regis Group Plc**
Respondent (Tenant) : **Mr E C Green**
Type of Application : **Determination of a fair rent under
Section 70 of the Rent Act 1977**
Tribunal Members : **Judge JR Morris
Mrs Wilcox BSc MRICS**
Date of Decision : **4th June 2019**

DECISION

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DECISION

1. The Fair Rent for the Property payable from 4th June 2019 is determined to be £153.50 per week which is the capped rent under the Rent Acts (Maximum Fair Rent) Order 1999, the uncapped rent being 155.00 per week.

REASONS

THE PROPERTY

2. The Property is a two-storey end of terrace house of brick under a pitched slate roof. The doors are timber as are the windows which are single glazed.

Accommodation

The front door opens directly into the front living room. The Property comprises on the ground floor two living rooms, between which are the stairs to the first floor, a kitchenette, and a bathroom. On the first floor there are three bedrooms. The front garden has been made into hardstanding for one vehicle. There is a garden at the rear with side access.

Services

The Property has mains electricity, gas, water and drainage. Space and water heating are by a gas central heating system.

Furnishing

The Property is let unfurnished.

Location

The Property is situated in a residential area on the edge of Slough town centre.

THE TENANCY

3. The Tenancy is a statutory regulated weekly tenancy, which commenced in July 1975. Being a tenancy for 7 years or less, section 11 of the Landlord and Tenant Act 1985 applies in respect of Landlord's repairing obligations. The Tenant is responsible for internal decoration.

THE REFERRAL

4. The current rent is £135.00 per week registered on 26th January 2017 and effective from that date. The Landlord by a notice in the prescribed form received by the Valuation Office Agency on 26th February 2019 proposed a new rent of £147.00 per week. On 9th April 2019 the Rent Officer registered a rent of £142.00 per week effective from that date. The registered rent was not a capped rent under the Rent Acts (Maximum Fair Rent) Order 1999 as the capped rent was higher than that set by the Rent Officer. On 15th April 2019 the Landlord referred the Rent Officer's assessment to the Tribunal. The referral was by way of written representations.

THE INSPECTION

5. The Tribunal inspected the Property in the presence of the Tenant.
6. Externally the Property is in fair condition. The rear garden was fenced. It was not clear who was responsible for each side. Some of the panels have been replaced but several are in poor condition.
7. Internally the kitchen is basic and dated and there are insufficient electrical sockets (2 double and one single) by modern standards. The bathroom and w.c. are small, basic and dated. Neither have extractor fans to counter condensation. Insulation is poor in that the windows are single glazed and the walls appear to be solid. The stairs are steep. The third bedroom is off the second bedroom limiting its use for modern living in that it is more suitable for a child or as a dressing room than a bedroom for an adult. The floorcoverings, curtains and white goods are not provided by the Landlord.

THE LAW

8. The law applicable to this application is contained in the Rent Act 1977.

REPRESENTATIONS

9. In written representations the Tenant stated that he considered an increase to £147.00 fair.
10. He said the Property was in a general state of disrepair. He said that the bathroom is cramped, mouldy and damp and that the heating and hot water system is unreliable and often had to wait in excess of 48 hours for it to be repaired in winter. He said that the boundary fence and back gate need replacement which present a security risk. He added that he was 90 years old and found this rent assessment increasingly stressful.
11. In written representations the Landlord's Representative stated that the Landlord had purchased the freehold interest in February 2011. The Property was described as an end of terrace house consisting of 3 bedrooms, two receptions rooms, kitchen bathroom garden and parking space located in a suburban area of Slough.
12. In particular, it was said that, contrary to the Rent Officer's documents, the Property had full central heating, and the last two years Gas Safety Certificates were provided. It was added that the rent set was not reflective of a property with full central heating.

RENT ASSESSMENT

13. The Tribunal assessed the rent for the Property as at the day of the inspection pursuant to section 70(1) Rent Act 1977 (having regard in particular to the age, character, locality, state of repair of the property and all the circumstances other than personal circumstances). The Tribunal took account of the relevant cases and legislation including *Spath Holme Ltd v Greater Manchester Rent Assessment Committee* (1996) 28 HLR 107, *Curtis v The London Rent Assessment Committee* [1997] 4 All ER 842 and *BTE Ltd v Merseyside and Cheshire Rent Assessment Committee* 24th May 1991.
14. The Tribunal is required under the legislation and case law to assess a rent for the Property by reference to comparable properties in the open market taking into account the matters referred to above. It then considers whether or not a deduction for scarcity should be made, which varies depending on the market within a locality from time to time.
15. The Tribunal is not able to take the personal circumstances of either party, such as, in this case, the age of the Tenant.
16. Neither party provided rental values of comparable properties, therefore the Tribunal used the knowledge and experience of its members. The Tribunal determined that the rent for the Property, taking into account the location, in good condition with central heating, double-glazing, modern kitchen and bathroom, and let with carpets, curtains and white goods on an Assured Shorthold Tenancy on the same terms at the time of inspection would be £250 .00 per week. The Tribunal found that a deduction of £95.00 should be made to take account of the restricted use of the third bedroom and for the dated

and basic kitchen and bathroom, the lack of double glazing, and the lack of carpets curtains and white goods which would be provided in comparable properties at that rent. It should be noted that this figure cannot be a simple arithmetical calculation and is not based specifically upon capital cost but is the Tribunal's estimate of the amount by which the rent would have to be reduced to attract a tenant.

SCARCITY

17. Assessing a scarcity percentage cannot be a precise arithmetical calculation because there is no way of knowing either the exact number of people looking for properties similar to the subject property in the private sector or the exact number of such properties available. It can only be a judgement based on the years of experience of members of the Tribunal together with a consideration of the properties advertised as being to let as at the time of the assessment.
18. That experience and consideration leads the Tribunal to the view that there is no substantial scarcity of "... similar dwelling houses in the locality...", in this case Berkshire as at the day of the inspection, that are available for letting, and so no deduction is made to reflect this.

TRIBUNAL'S CALCULATIONS

19. Market Rent: £250.00 per week
Less global deduction £ 95.00
£155.00 per week
20. The provisions of the Rent Acts (Maximum Fair Rent) Order 1999 require that the registered rent is either the capped Fair Rent or the Fair Rent decided by the Tribunal whichever is the lower. The capped Fair Rent is calculated in accordance with a statutory formula using the existing rent as a base. The capped rent in this case is £153.50 per week, which is less than the Fair Rent assessed by the Tribunal and therefore the capped rent of £153.50 per week is to be registered.

FAIR RENT = £153.50 per week

Judge JR Morris

Caution: The Tribunal inspected the subject property for the purposes of reaching this decision. The inspection was not a structural survey and any comments about the condition of the property in this statement must not be relied upon as a guide to the structural or other condition of the property.

APPENDIX - RIGHTS OF APPEAL

1. If a party wishes to appeal the 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.
2. 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.
3. 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.
4. 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.