



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

**Case reference** : **CHI/00MS/MNR/2023/0051**

**Property** : **Flat 4, 193 Shirley Road, Southampton,  
Hampshire SO15 3FG**

**Applicant** : **Mr Guy Ireland & Leah Son**

**Representative** : **None**

**Respondent** : **Homelife Lettings**

**Representative** : **Leaders Letting Agents**

**Type of application** : **Section 13(4) Housing Act 1988**

**Tribunal members** : **Mr D Jagger MRICS  
Mr J Reichel BSc MRICS  
Mrs J Coupe FRICS**

**Venue** : **Paper determination**

**Date of decision** : **30<sup>th</sup> May 2023**

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**DECISION**

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## **Decision of the tribunal**

- (1) The Tribunal determines that the rent that the property in its current condition as at the 16<sup>th</sup> April 2023 might reasonably be expected to achieve in the open market under an assured tenancy is **£895 per month**

## **Background**

1. The tenants have lived in the property as assured periodic tenants since 16th December 2011 with an agreement of that date. At that time the converted flat was considered to be in good condition.
2. On the 23<sup>rd</sup> February 2023 the landlord's agent Leaders served a notice pursuant to section 13(2) of the Housing Act 1988 seeking to increase the rent from £820 to £895 per month, being an increase of £75 effective from 16<sup>th</sup> April 2023.
3. By an application dated 13<sup>th</sup> March 2023, the tenant referred that notice to the Tribunal for a determination of the market rent. The Tribunal issued Directions for the conduct of the matter on 11<sup>th</sup> April 2023.
4. The Tribunal considered the matter suitable for a determination on the papers and therefore a hearing was not necessary. The parties did not disagree with this arrangement.

## **The Evidence**

5. The tenant has prepared a helpful bundle of evidence which extends to which includes a background to the case, the application, the directions, the tenancy agreement, completed rent appeal statement. Unfortunately, what we do not have is any comparable evidence or photographs of the premises, more about this is stated below. The tenants evidence did include several photographs of the communal bins and the associated buildup of rubbish which is the responsibility of the landlord and subsequent complaints to the Local Authority. Otherwise, for reasons unknown to the Tribunal, landlord has not engaged in these proceedings.

## **Inspection**

6. The Tribunal did not inspect the property and relied on the information provided by the parties, Rightmove, Goggle Street Maps and its expert knowledge. The property is a converted second floor flat which forms part of a three storey Grade II Listed Building built in 1833 with brick and stone elevations under a mansard tiled roof. The property is located on the corner of Howard Road in a commercial environment.

7. The accommodation comprises two bedrooms, living room, kitchen and bathroom. There is double glazing and central heating. The property has an EPC Rating of C78 and is stated to be 64m<sup>2</sup> as opposed to the floor area of 54m<sup>2</sup> as stated by the tenants.

## **The Law**

- 8.. The rules governing a determination are set out in section 14 of the Housing Act 1988. In particular, the Tribunal is to determine the rent at which the property might reasonably be expected to be let in the open market by a willing landlord under an assured tenancy, subject to disregards in relation to the nature of the tenancy (i.e. it being granted to a “sitting tenant”) and any increase or reduction in the value due to the tenant’s improvements or failure to comply with the terms of the tenancy. In the absence of any evidence to the contrary, the Tribunal has proceeded on the basis that the landlord is responsible for repairs to the structure, exterior and any installations pursuant to section 11 of the Landlord and Tenant Act 1985 and the tenant for interior decoration.

## **The valuation**

9. Having carefully considered all the evidence the Tribunal considers that the rent that would be achieved in its current condition with reasonably modern kitchen and bathroom fittings, modern services and central heating, white goods (except washing machine) supplied by the landlord would be **£895** per month. As previously mentioned the parties have not provided the Tribunal with any comparable evidence. This is a somewhat individual property in terms of type. Therefore, the Tribunal had to make certain assumptions regarding specification, location, floor area, building type, Therefore, in the absence of any comparable evidence the Tribunal have utilized its own professional judgement and experience rather than specific market transactions. In the tenants completed rent appeal statement it is confirmed that “the property is in good *condition as a whole, kitchen and bathroom are in good condition*” Therefore the Tribunal has made no adjustments for condition.
- 10 The average rate for rental properties in the Southampton area has gone up every quarter since the end of 2019, according to the online property portal Rightmove. The rent increases are due to not enough properties coming to the market to meet demand and the number of homes for rent is 46 per cent below 2019 levels. This puts this decision in context with the current rental market.
11. The Tribunal has been provided with a copy of the tenancy agreement, which incorporates the usual repair obligations.

12. The Tribunal received no evidence of hardship and, therefore, the rent determined by the tribunal is to take effect from **16<sup>th</sup> April 2023**.

**D Jagger MRICS Valuer Chair**

**30th May 2023**

### **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 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.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).