



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

**Case reference** : CHI/40UE/MNR/2023/0061

**Property** : 7 Cleveland Street, Taunton, Somerset,  
TA1 1XB

**Applicant Tenant** : Adam Bowers

**Representative** :

**Respondent Landlord** : C & S Flack

**Representative** : Haart Estate and Letting Agents

**Type of application** : Determination of a Market Rent  
Sections 13 & 14 Housing Act 1988

**Tribunal member(s)** : Mrs J Coupe FRICS  
Mrs A Clist MRICS  
Mr M.J.F. Donaldson FRICS

**Date of decision** : 26 May 2023

---

**REASONS**

---

© CROWN COPYRIGHT

## Decision of the Tribunal

**On 26 May 2023 the Tribunal determined a Market Rent of £900.00 per month to take effect from 28 April 2023.**

## Background

1. By way of an application received by the Tribunal on 21 March 2023, the Applicant tenant of 7 Cleveland Street, Taunton, Somerset, TA1 1XB (“the property”), referred a Notice of Increase in Rent (“the Notice”) by the Respondent landlord of the property under Section 13 of the Housing Act 1988 (“the Act”) to the Tribunal.
2. The Notice, dated 8 March 2023, proposed a new rent of £900.00 per month in lieu of the passing rent of £800.00 per month, to take effect from 28 April 2023.
3. The tenant occupies the property under an assured periodic assured tenancy commencing 28 July 2022. A copy of an assured shorthold tenancy agreement dated 28 August 2020 was provided.
4. On 14 April 2023 the Tribunal issued Directions advising the parties that it considered the matter suitable for determination on papers unless either party objected, in writing, within 7 days. The parties were also advised that no inspection would be undertaken. No objections were received.
5. The Directions required the landlord and tenant to submit their completed statements to the Tribunal by 28 April 2023 and 12 May 2023 respectively, with copies to be sent to the other party. Neither party made any submissions. Accordingly, the Tribunal determined the rent having regard to information contained within the Applicant’s application form.
6. Having reviewed the application the Tribunal concluded that the matter was capable of being determined fairly, justly and efficiently on the papers, consistent with the overriding objective of the Tribunal.
7. These reasons address in **summary form** the key issues raised by the Applicant in the application form. They do not recite each and every point referred to. The Tribunal concentrates on those issues which, in its view, go to the heart of the application.

## Law

8. In accordance with the terms of Section 14 of the Act, the Tribunal is required to determine the rent at which it considers the subject property might reasonably be expected to let on the open market, by a willing landlord, under an assured tenancy, on the same terms as the actual tenancy.
9. In so doing, and in accordance with the Act, the Tribunal ignores any increase in value attributable to tenants’ improvements and any decrease in value due to the tenants’ failure to comply with any terms of the tenancy.

## **The Property**

10. In accord with current Tribunal policy, the Tribunal did not inspect the property but did view it from publicly available online platforms.
11. The property is a Victorian bay fronted mid-terraced house situated in an established area of similar properties, close to local amenities. From online images of the front elevation the property appears to be of brick construction beneath a pitched roof clad in slate.
12. Accommodation comprises an entrance hall; kitchen; living room; dining room; two bedrooms and a bathroom.
13. The application form refers to a rear garden. A small front garden is also visible from online images. No off-road or allocated parking is referenced.
14. Having consulted the National Energy Performance Register online the Tribunal noted the property to have an Energy Performance Certificate (EPC) Rating of D and a recorded floor area of 82m<sup>2</sup>. The EPC suggests the property has the benefit of full double glazing and gas central heating.

## **Submissions – Tenant**

15. The Applicant's application form refers to the tenant having undertaken general maintenance to the bathroom.

## **Submissions – Landlord**

16. None.

## **Determination**

17. The Tribunal determines a market rent for a property by reference to rental values generally and, in particular, to the rental values for comparable properties in the immediate locality. The Tribunal has no regard to the current rent and the period of time which that rent has been charged, nor does it take into account the percentage increase which the proposed rent represents to the passing rent. In addition, the legislation makes it clear that the Tribunal is unable to account for the personal circumstances of either the landlord or the tenant.
18. The Tribunal assesses the rent for the property as at the date of the landlord's Notice and on the terms of the extant tenancy. The Tribunal disregards any improvements made by the tenant but has regard to the impact on rental value of disrepair which is not due to a failure of the tenant to comply with the terms of the tenancy.
19. 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 condition that is considered usual for such a market letting. In the absence of any comparable evidence from either party the

Tribunal relied on its own expert knowledge as a specialist Tribunal. In doing so, the Tribunal determined that a figure of £900.00 per month is reasonable.

20. Once the hypothetical rent in good condition was established it was necessary for the Tribunal to determine whether the property meets the standard of accommodation, repair and amenity of a typical modern letting. In the absence of any submissions from either party the Tribunal was unable to form an opinion in this regard and must therefore assume that the property meets such standard. Accordingly, no deductions to the hypothetical rent were warranted.
21. The tenant made no submissions to the Tribunal in regard to delaying the effective date of the revised rent on grounds of hardship. Accordingly, the rent of **£900.00 will take effect from 28 April 2023**, that being the date stipulated within the landlord's notice.

#### **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](mailto: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.