



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

**Case reference** : **CHI/40UC/MNR/2024/0019**

**Property** : **Apartment 8, 2 Bonita Drive,  
Bridgwater, Somerset, TA6 7AW**

**Applicant/tenant** : **Ms Sharon Bronnimann**

**Representative** : **In person (written representations)**

**Respondent** : **Ms O'Connor**

**Representative** : **Andrew Lees Lettings (written  
representations)**

**Type of application** : **Sections 13 and 14, Housing Act 1988**

**Tribunal members** : **Mr C Norman FRICS  
(Valuer Chairman)  
Mr J Reichel BSc MRCIS  
Mr M Woodrow MRICS**

**Date of Decision** : **10 April 2024**

**Date of Reasons** : **16 April 2024**

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**REASONS**

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## **Background**

1. On 12 January 2024 (received on 17 January), the tenant of the above property referred to the Tribunal a notice of increase of rent served by the landlord under section 13 of the Housing Act 1988 (“the Act”).
2. The landlord’s notice, which proposed a rent of £915 per month is dated 2 January 2024. The notice proposed a starting date for the new rent of 21 February 2024. The rent passing was stated as being £815 per month.
3. The tenancy is an assured periodic tenancy. From the tenancy agreement copy of which was provided with the application, the assured tenancy commenced on 21 December 2018.
4. On 27 February 2024, the Tribunal issued directions to the parties. The application was set down for a determination on the papers without a hearing or inspection, unless either party requested these, which neither did. The landlord was directed to complete a Rent Appeal Statement by 12 March 2024. The tenant was directed to do likewise by 26 March 2024. Both parties made Rent Appeal Statements.
5. On 10 April 2024, the Tribunal determined the rent at £915 per month with effect from 21 February 2024 being the date stated on the section 13 notice.

## **Tenancy agreement**

6. The Tribunal was supplied with a copy of a tenancy agreement.

## **The Property**

7. The Tribunal has relied on the Rent Appeal Statements of the parties, Google Maps and the Energy Performance Certificate (EPC). From these sources, the Tribunal found that the property is a modern 2-bedroom flat situated on the first floor of an apartment block constructed in 2015. The accommodation comprises two bedrooms (one ensuite), living room/kitchen and main bathroom/WC. The property has gas fired central heating and is double glazed. There is laminate flooring installed by the landlord. There is a parking space. The block is situated in a good location to the west of the town. Curtains and the cooker were provided by the landlord.

## **The law**

8. The law as to the Tribunal’s approach is given at section 14 of the Act which insofar as relevant is as follows:

*(1)Where, under subsection (4)(a) of section 13 above, a tenant refers to a Tribunal a notice under subsection (2) of that section, the Tribunal shall determine the rent at which, subject to subsections (2) and (4) below, the Tribunal consider that the dwelling-house*

*concerned might reasonably be expected to be let in the open market by a willing landlord under an assured tenancy—*  
*(a) which is a periodic tenancy having the same periods as those of the tenancy to which the notice relates;*  
*(b) which begins at the beginning of the new period specified in the notice;*  
*(c) the terms of which (other than relating to the amount of the rent) are the same as those of the tenancy to which the notice relates;*  
[...].

### **The landlord's Case**

9. The landlord's case may be summarised as follows, excluding personal circumstances which the Tribunal cannot consider when determining the amount of rent.
10. The market rent has gone up to £1000 per month, as evidenced by a local property search. However, the landlady recognises that the tenant is a good tenant and is therefore seeking only an acceptable outcome for both parties. Substantial service charges were payable for the property. An exterior photograph only of the property was provided.
11. Brief summary details taken from Rightmove that advertised asking rents for 13 comparables were appended. These were mainly two bedroomed modern flats but also included two coach houses. The asking rents ranged from £775 to £1,200 per month. Sorrel Drive was a newly built flat with an asking rent of £1,095 per month, in a comparable location. The landlord referred to two comparables at Riverside Close, one at £950 and one at £975 per month (the latter with a garage). A flat at Teeswater Walk was available at £850 per month. At Crusader Close, two flats were available at £925 and £975 per month respectively. At Duke Street the asking rent was £1,200 per month. At Marsa Way, the asking rent was £925. At Quayside, a flat had been let, the asking rent being £775 per month. At Lords Way, there were two asking rents of £1,200 and £925 respectively.

### **The Tenant's Case**

12. The tenants' case may be summarised as follows, excluding personal circumstances which the Tribunal cannot consider when determining the amount of rent. The tenant stated that the extractor fan in the ensuite bathroom had been broken for two years. She also stated that some ceiling water damage from an escape of water from the flat above was still visible on the ceiling. The tenant did not supply photographs. No comparables were referred to.

### **Findings**

13. The subject property is a recently constructed flat in a good location in the town. In the absence of interior photographs, the Tribunal does not

consider that any historic ceiling water staining would affect rent, nor the defective ensuite extractor fan.

14. As to comparables, the Tribunal does not place weight on the outlying comparables being the highest and lowest rents. Nor does it place weight on the coach house comparables as they have a different character. It also places less weight on Marsa Way, as this a town centre location. It finds that the best comparables are those in Crusader Close and Lords Way each with asking terms of £925 per month.
15. In view of the fact that these are asking terms only, it finds that the market rent in accordance with the Act is £915 per month, effective from the 21 February 2024, being the start date on the section 13 notice.

Mr Charles Norman FRICS

16 April 2024

#### **ANNEX - RIGHTS OF APPEAL**

- The Tribunal is required to set out rights of appeal against its decisions by virtue of the rule 36 (2)(c) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 and these are set out below.
- If a party wishes to appeal against 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.