



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

**Case reference** : **CHI/18UC/MNR/2024/0010**

**Property** : **Flat 4 34 Raleigh Road, Exeter, Devon,  
EX1 1TX**

**Applicant** : **Jamie Brydges**

**Representative** : **None**

**Respondent** : **P Statton, Exeter Property**

**Representative** : **None**

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

**Tribunal members** : **Mr D Jagger MRICS  
Mr J Reichel MRICS  
Miss C Barton MRICS**

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

**Date of decision** : **10<sup>th</sup> May 2024**

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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 7<sup>th</sup> January 2024 might reasonably be expected to achieve in the open market under an assured tenancy is **£795 per month**

## **Background**

1. The tenant has lived in the property as assured periodic tenant since 7<sup>th</sup> April 2017 with an agreement of that date at a commencing rent of £650 per month.
2. On the 16<sup>th</sup> November 2023 the landlord served a notice pursuant to section 13(2) of the Housing Act 1988 seeking to increase the rent from £720 per month to £795 per month, being an increase of £75 effective from 7<sup>th</sup> January 2024.
3. By an application dated 6<sup>th</sup> January 2024, 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 24<sup>th</sup> January 2024.
4. On the 26<sup>th</sup> February 2024 the Tenant submitted a Case Management Application for postponement of the case due to his medical condition. The Tribunal duly granted an extended deadline of the 29<sup>th</sup> April 2024 for receipt of evidence. None, however, was received.
5. 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**

6. The Tribunal has before it a bundle of evidence which includes a background to the case, the application, the directions, the tenancy agreement and a completed rent appeal statement on behalf of the landlord only. This statement included photographic evidence showing the condition of the flat together with a floor plan. In addition, the Landlord submitted details of comparable evidence and more about this is stated below.

## **Inspection**

7. The Tribunal did not inspect the property and relied on the information provided by the parties, Rightmove, Google Street Maps and its expert knowledge. The property is a converted second floor flat which forms part of a three storey end of terrace Victorian building.

8. The accommodation comprises: bedroom, living room, kitchen, shower room. There is double glazing and gas central heating. There is a communal courtyard garden and bike store. Carpets, curtains, and white goods are provided by the landlord.

### **The Law**

9. 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**

10. Having carefully considered all the evidence from the Landlord the Tribunal considers that the rent that would be achieved in a good marketable condition with reasonably modern kitchen and bathroom fittings, modern services, carpets, curtains and white goods supplied by the landlord would be **£795** per month. This figure is based upon the comparable evidence and analysis provided by the Landlord and the Tribunal’s professional judgement and experience.
11. The Tribunal found no reason to adjust this rent to allow for the condition to the fabric of the building, internal condition of the property and services.
12. The average rent for properties in the Exeter area has increased every quarter since the end of 2019, according to the online property portal Rightmove. The rent increases are due to too few properties coming to the market in order to meet demand resulting in the number of homes for rent now being 46 per cent below 2019 levels. These factors which are adversely affecting the property market help put the Tribunal’s decision in context.
13. The Tribunal has been provided with a copy of the tenancy agreement, which incorporates the usual repair obligations.
14. The Tribunal received no evidence of hardship from the Tenant and, therefore, the rent determined by the tribunal is to take effect from **7<sup>th</sup> January 2024.**

## **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).