



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

**Case reference** : **CHI/00HX/MNR/2024/0095**

**Property** : **20 Shelley Street, Swindon, Wiltshire,  
SN1 3PN**

**Applicant** : **Ms Darlene Gardiner**

**Representative** : **None**

**Respondent** : **Jill Keene c/o McFarlane Sales and  
Letting**

**Representative** : **None**

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

**Tribunal members** : **Mr D Jagger MRICS  
Mr S Hodges FRICS  
Mr K Ridgeway MRICS**

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

**Date of decision** : **31st 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 29<sup>th</sup> March 2024 might reasonably be expected to achieve in the open market under an assured periodic tenancy is **£950 per month**

## **Background**

1. The tenant has lived in the property as assured periodic tenant since 29<sup>th</sup> June 2012 with a tenancy agreement of the same date.
2. On the 14<sup>th</sup> February 2024 the Landlord served a notice pursuant to section 13(2) of the Housing Act 1988 seeking to increase the rent from £800 per month to £950 per month, being an increase of £150 effective from 29<sup>th</sup> March 2024.
3. By an application dated 27<sup>th</sup> March 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 16<sup>th</sup> April 2024.
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 Tribunal has before it a bundle of evidence which includes a background to the case, the application, the Assured Shorthold Tenancy Agreement and the directions. The Landlord and the Tenant each completed the Rent Appeal Statements. A generic Rightmove “Best Price Guide” schedule of comparable evidence was submitted by the Landlord which included some 12 properties ranging from £950 pcm through to £1,400 pcm.

## **Inspection**

7. The Tribunal did not inspect the property and relied on the limited information provided by the parties, Rightmove, Google Street Maps and its expert knowledge. The property is a mid terrace two storey Victorian house with brick elevations. The property forms part of an established road close to town centre amenities.
8. The accommodation comprises: 3 bedrooms, living room, kitchen, ground floor bathroom and cellar. There is gas central heating and double glazed windows. Small rear garden. It is stated carpets, curtains and white goods were 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 and the Tenant the Tribunal considers that an achievable rent for the property in a good marketable condition with reasonably modern kitchen and bathroom fittings, modern services with carpets curtains and white goods provided by the Landlord would be **£1150** per month. This figure is based upon the comparable evidence provided by the parties and the Tribunal’s professional judgement and experience.
11. The Tribunal has considered carefully the party’s submissions and using its own expertise, we consider a deduction of **£200** should be applied to take into account for the dated condition of the dated kitchen and bathroom fittings and the poor condition of the carpets and no white goods other than a cooker which is no longer operational and has been replaced by the Tenant. This reduces the rental figure to **£950** per month. It should be noted that this figure cannot be a simple arithmetical calculation and is not based on capital costs but is the Tribunal’s estimate of the amount by which the rent would need to be reduced to attract a tenant.
12. The average rent for rental properties in the Swindon area has increased every quarter since the end of 2020, 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 2020 levels. This puts this decision in context with the current rental market.
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 **29<sup>th</sup> March 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).