



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

Case Reference : **CHI/18UH/MNR/2024/0174**

Property : **Ford House, 37 Higher Brimley,
Teignmouth, Devon, TQ14 8Ju**

Tenant : **K Woodhouse**

Landlord : **A&G Pengelly C/O Lettings & Property
Management**

Date of Objection : **1 August 2024**

Type of Application : **Determination of a Market Rent
sections 13 & 14 of the Housing Act
1988**

Tribunal : **R Waterhouse FRICS
M Woodrow MRICS**

**Date of Summary
Reasons** : **14 October 2024**

DECISION

The Tribunal determines a rent of £1350.00 per calendar month with effect from 13 August 2024.

SUMMARY REASONS

Background

1. On 4 June 2024 the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £1570.00 per month in place of the existing rent of £1350.00 per month to take effect from 13 August 2024.
2. On 1 August 2024 under Section 13(4)(a) of the Housing Act 1988, the Tenant referred the Landlord's notice proposing a new rent to the Tribunal for determination of a market rent.

Inspection

3. The Tribunal did not inspect the property but considered this case on the basis of the papers provided by the parties.

Evidence

4. The tenant occupies the property by way of an Assured Tenancy which commenced in May 1996. The exact date of occupation in May 1996 was unproven by either party in the absence of a copy of the tenancy agreement. The Tribunal decision from the last determination in 2023, case CHI/18UH/MNR/2023/0172, dated 21 September 2023, stated the rent date was commonly agreed as the 13th of the month. This previous case was referred to in the Tenant's Representative's submissions as a source of the rent commencement date in this case. The date noted was 16 May and the Tenant contended the Notice of Increase of Rent was therefore invalid, as the Notice stated the 13th of the month. Given the previous decision and the citing of it as a source of the evidence of the rental commencement date, the Tribunal adopts 13th of the Month as the rent commencement date and so considers the Notice appears valid and the Tribunal can go on to determine the rent under section 13 and 14.

5. Accommodation comprises an entrance hall, reception room, living room, kitchen and dining area at ground level; four bedrooms and a bathroom with separate WC at first floor level, and a bedroom and bathroom on the second floor. The Tribunal note that the landlord refers to the top floor comprising a king-sized bedroom with ensuite and a further single bedroom whereas the tenant says there is only one bedroom and ensuite WC and sink. The Tribunal has considered the house as a five-bedroom property and that a small sixth

bedroom or box room on the top floor would not materially affect the value. The property has a sizeable garden and off-road parking at the rear.

Determination and Valuation

6. Having considered the comparable evidence provided by the parties and our own expert general knowledge of rental values in the area, we consider that the open market rent for the property in its current condition would be in the region of **£1350.00** per calendar month.

7. The Tribunal determines a rent of **£1350.00** per calendar month.

Decision

8. The Tribunal therefore determined that the rent at which the subject property might reasonably be expected to be let in the open market by a willing Landlord under an assured tenancy was **£1350.00** per calendar month.

9. The Tribunal directs the new rent of **£1350.00** per calendar month to take effect on **13 August 2024**, this being the date as set out in the Landlord's Notice of Increase.

APPEAL PROVISIONS

These summary reasons are provided to give the parties an indication as to how the Tribunal made its decision. If either party wishes to appeal this decision, they should first make a request for full reasons and the details of how to appeal will be set out in the full reasons. Any request for full reasons should be made within a month. Any subsequent application for permission to appeal should be made on Form RP PTA.