



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

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| <b>Case Reference</b>      | <b>:</b> | <b>HAV/23UE/MNR/2025/0607</b>  |
| <b>Property</b>            | <b>:</b> | <b>21 Clement Street<br/>Gloucester<br/>Gloucestershire<br/>GL1 4JW</b>                  |
| <b>Applicant Tenants</b>   | <b>:</b> | <b>Mr A W Ghusie and Ms S Ghusie</b>   |
| <b>Representative</b>      | <b>:</b> | <b>None</b>  |
| <b>Respondent Landlord</b> | <b>:</b> | <b>Mr A Dhalech</b>  |
| <b>Representative</b>      | <b>:</b> | <b>None</b>  |
| <b>Type of Application</b> | <b>:</b> | <b>Determination of a Market Rent -<br/>sections 13 &amp; 14 of the Housing Act 1988</b> |
| <b>Tribunal Members</b>    | <b>:</b> | <b>Mr J G G Wilson MRICS FCIArb<br/>Mr S Hodges FRICS<br/>Judge R Percival</b>           |
| <b>Date of Application</b> | <b>:</b> | <b>18 January 2025</b>   |
| <b>Date of Decision</b>    | <b>:</b> | <b>27 March 2025</b>   |

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**DECISION**

**The Tribunal determines a rent of £1,115 (One Thousand, One Hundred and Fifteen Pounds) Per Calendar Month with effect from 27 March 2025.**

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## **SUMMARY REASONS**

### **Background**

1. On 21 September 2024 the landlord served a notice under section 13(2) of the Housing Act 1988 which proposed a new rent of £1,150 per month in place of the existing rent of £840 per month to take effect from 24 January 2025.
2. On 18 January 2025 under section 13(4) of the Housing Act 1988, the tenants 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 based on the papers provided by the parties and information freely available on the internet.
4. 21 Clement Street is a late Victorian/early Edwardian two-storey terrace house of traditional brick construction and pitched tiled roof. The accommodation is: ground floor – hall, two reception rooms, kitchen, utility room and WC; first floor – three bedrooms (two doubles and one single) and bathroom/WC. Outside there is a garden at the rear with a shed.

### **Evidence**

5. The Tribunal gave Directions dated 24 January 2025. On 26 January 2025 the landlord submitted his application to the Tribunal to request an extension of time to Direction No. 8, being the date by which his completed Rent Appeal Statement ("Statement") is to be sent, 7 February 2025.
6. On 7 February 2025, the Tribunal approved the request for the extension of time and the Directions were amended accordingly. The landlord's Statement is to be sent by 21 February 2025; and the tenants' Statement is to be sent by 7 March 2025.
7. The Tribunal has considered the Statement given by Mr Dhalech dated 17 February 2025 and copied to the tenants the same day. In addition, the Tribunal has considered the Statement given by the tenants to the Tribunal and copied to the landlord, dated 6 March 2025. Both Statements were given in accordance with the Tribunal's amended Directions, dated 7 February 2025.
8. With respect to the property, the landlord's Statement included: the accommodation in outline; a floor plan; its features; and details of improvements made. The Tribunal has been provided with a copy of the tenancy agreement dated 16 January 2022, with a commencement date of 24 January 2022 and a copy of the corresponding Rental Property Inventory signed and dated 26 January 2022.
9. To assist the Tribunal, Mr Dhalech has provided comparable lettings' properties to which he has referred to reach his valuation of £1,275 per month, before adjustment to £1,150 per month.

10. Mr Dhalech has provided a copy of OpenRent's letting particulars for the property, available to let on 14 January 2022. The comparable lettings to which he refers are in two schedules. The first is dated 21 September 2024 and includes twelve (12) properties in the range of £940 per calendar month to £1,500 per calendar month. The second is dated 23 January 2025 and includes ten (10) properties in the range of £1,100 per calendar month to £2,000 per calendar month.
11. Under 'Disrepair/Defects', Mr Dhalech says, "NO Current Issues – Maintenance & upkeep of the property has continued, with no major disrepair / defects identified / existing." [his emphasis].
12. On 6 March 2025 the tenants gave their Statement dated the same day. The Statement includes a selection of photographs to highlight items of disrepair and the ongoing parking issues.
13. The tenants confirm various aspects of the landlord's Statement and say carpets and curtains are provided in part by both the landlord and the tenants; and of the White Goods, no refrigerator is provided. They go on to say the kitchen and bathroom equipment is 10-15 years old. Their assessment of the rental value is £1,000 per calendar month; albeit no comparable lettings evidence is provided.
14. In an accompanying letter to their Statement, the tenants outline 'some of the major issues we have faced', being the boiler; Mice infestation; a gas leak; roof leaks and water damage; and parking. Thereafter the tenants outline how they sought to resolve the mice infestation and works of general repairs etc. they have carried out and those acknowledged by the landlord to be outstanding.

### **Determination and Valuation**

15. After reviewing the rental values of the comparable lettings' properties given by the landlord, and of its own expert, general knowledge of rental values in the area, the Tribunal determines that the market rent for the property in good tenantable condition is £1,200 (One Thousand, Two Hundred Pounds) Per Calendar Month.
16. From the information and evidence given by the parties in their Statements, the property is in fair condition (the kitchen and bathroom equipment are dated and there are outstanding repairs) and does not include all those features associated with a residential letting. Accordingly, the Tribunal has concluded adjustments are required to the market rent.
17. The Tribunal's valuation is shown below:

|   |            |
|---|------------|
| Market rent in good condition (£ PCM)                           | £1,200     |
| Less deductions (£ PCM) for:                                    |            |
| Tenants' partial provision of White Goods                       | £10        |
| Tenants' partial provision of carpets and curtains              | £25        |
| Dated kitchen and bathroom equipment and<br>outstanding repairs | <u>£50</u> |
|   | £85        |

Market rent (per calendar month) £1,115

18. The Tribunal therefore decided that the rent at which the property might reasonably be expected to be let in the open market by a willing landlord under the terms of this assured tenancy was £1,115 (One Thousand, One Hundred and Fifteen Pounds) Per Calendar Month.
19. The tenants have made representations that “The proposed increase would place a severe financial strain on my family” and would cause them undue hardship. To that end, the Tribunal has determined the starting date for the new rent is not that specified in the landlord’s notice, it is to be the date of this decision, 27 March 2025, section 14(7) of the Housing Act 1988.
20. Accordingly, the Tribunal directs that the new rent of £1,115 Per Calendar Month should take effect from 27 March 2025. This being the date of the Tribunal’s decision.

### **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.