



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

Case Reference : **MAN/00BM/MNR/2025/0850**

Property : **134 Market Street, Tottington, BL8 3LS**

Tenant : **Michelle Marshall**

Landlord : **Karen Louise Chaytow**

Type of Application : **s13 Housing Act 1988**

Tribunal Members : **Mr S Wanderer
Mrs H Clayton**

Date of Decision : **27 November 2025**

DECISION

Decision

1. By a decision dated 27 November 2025, the Tribunal determined, in accordance with section 14 of the Housing Act 1988, that the open market rent for the Property is £750 per month.

Background

2. By a notice dated 27 May 2025, ("the Notice"), the Landlord proposed a new rent of £995 per month to take effect from 6 July 2025.
3. By an application dated 2 June 2025, the Tenant referred the Notice to the Tribunal.

Inspection

4. The Tribunal inspected the Property on 11 November 2025.
5. The Property is a semi-detached house with front and rear gardens and a driveway to the side. The Property is situated on a main road in Tottington. The accommodation comprises: G/F: entrance hall, 2 x reception rooms, kitchen; 1/F: bathroom, 2 bedrooms. The Property has double-glazing and gas central heating.

6. The Property is let unfurnished with curtains and white goods provided by the Tenant.
7. Upon inspection, the Tribunal noted:
 - 7.1 various areas of poor plasterwork (some recently replastered and not yet decorated) and carpets generally worn;
 - 7.2 light fitting loose in hallway;
 - 7.3 loose/missing cupboard doors in kitchen, damp and mould around kitchen window;
 - 7.4 signs of damp and mould to bedrooms;
 - 7.2 bath panel cracked, bathroom ceiling damaged, some bathroom wall tiles missing, damage to bathroom wall from doorhandle; and
 - 7.3 several misted double glazing units.

Evidence and Hearing

8. A hearing took place via video link on 27 November 2025 and was attended by the Landlord's agent, David McGowan of McGowan Residential Lettings Ltd, and the Tenant.
- 8.1 Limited written submissions were provided on behalf of the Landlord before the hearing and these did not include any comparables. No written submissions were made by the Tenant. Both parties were afforded the opportunity to make oral representations at the hearing.
- 8.2 At the hearing, Mr McGowan referred to the lettings of three nearby properties at monthly rents ranging between £750 and £995. Under questioning from the Tribunal, Mr McGowan stated that in his opinion the Property, if it were fully refurbished to a high standard, would command a rent of £1,200 per month. In its current condition, his opinion of rental value was £795 per month.
- 8.3 The Tenant did not provide any specific comparables, but expressed her view that the rental value was in the range of £650 to £700 per month.
- 8.4 The Tenant also gave evidence as to her financial position, which she said was precarious. She receives Universal Credit and has no savings. A backdated rent increase would cause her severe hardship. This evidence was not challenged or contradicted by the Landlord's agent.

The Law

9. The Tribunal must first determine that the Landlord's notice under section 13(2) satisfied the requirements of that section and was validly served.
10. The Housing Act 1988, section 14 requires the Tribunal to determine the rent at which it considered that the subject property might reasonably be expected to be let on the open market by a willing landlord under an assured tenancy.

11. In so doing the Tribunal, is required by section 14(1), to ignore the effect on the rental value of the property of any relevant tenant's improvements as defined in section 14(2) of that Act.
12. Section 14(4) provides that for the purposes of section 14 "rent" includes amongst other things any sums payable to the landlord by the tenant in respect of council tax.
13. Section 14(4) provides that for the purposes of section 14 "rent" does not include a "service charge" within the meaning of section 18 Landlord and Tenant Act 1985 (i.e. where in accordance with the terms of the tenancy or other agreement a service charge payable by the tenant is variable from time to time according to changes in the relevant costs). However it does include a "fixed" service charge.

Tribunal's Deliberations

14. The Tribunal determined the Notice to be valid in accordance with s13(2).
15. The Tribunal determined that the open market rent for a comparable property to the Property in good condition was £950 per month.
16. The Tribunal determined that deductions totalling £200 per month should be made from this rent to allow for disrepair/lack of modernity.
17. The Tribunal therefore determined that the open market rent for the Property in accordance with the statutory basis is £750 per month.
18. The Tribunal accepted the Tenants' evidence of her financial circumstances and considered that it would cause undue hardship for the rent increase be backdated to 6 July 2025. Accordingly, the Tribunal exercises its discretion under Section 14(7) and directs that the rent will take effect from 27 November 2025.

S Wanderer (Chairman)

27 November 2025