



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

Case Reference : **MAN/ooBP/MDR/2025/0002**

Property : **20 Wyndale Road, Oldham, OL8 3DB**

Applicants : **Miss Barbara Rute De Gois Freitas**

Respondent : **Place for People Homes**

Type of Application : **Housing Act 1988 – section 22**

Tribunal Members : **Judge J Stringer
Valuer Member A Hossain, MRICS**

Date of Decision : **10th September 2025**

DECISION

DECISION

1. Section 22(3)(b) is not satisfied and the Tribunal has no power to make a determination in this application.

REASONS

Background

1. On 5th March 2025 the Applicant, tenant of the above property, made an application by way of a Rents 1 standard form under section 22(1) of the Housing Act 1988. The tenancy commenced on 15th January 2025 at a rent of £210.00 per week. The Respondent did not respond to the application.

Evidence

2. The Tribunal were provided with a copy of the tenancy agreement with the application. Save for the application form, tenancy agreement, and information contained in an email from the Applicant dated 27th May 2025

(specifically “*Like I explained when I am autistic and suffer from severe anxiety and depression. When I signed the contract I was under threat of eviction with a section 21 and severely depressed. I only moved definitely in on the 10th of February. I asked for this to be taken in consideration. This is a social housing, over 55s bungalow in a row of about 10 bungalows all less than half the rent I am paying which now has been increased to 937 pounds per month.*”) no evidence was submitted by either party.

3. Neither party requested a hearing.

Inspection

4. The Tribunal inspected the property on 10th September 2025, at which inspection the Applicant was present, but no representative from the Respondent attended.
5. The property is a bungalow in a purpose built complex of bungalows, with access to communal gardens to the rear. Internally, there is a hallway, living room, kitchen, bathroom, two bedrooms and a storage cupboard. The property is double glazed and has central heating. The Applicant informed the Tribunal on the inspection that (she presumed) due to the previous tenant there was a pervasive smell of urine, due to which she removed all the carpets from the property, replacing with her own flooring, and that the smell of urine continues to be present in hot weather; the Applicant provided the cooker, washing machine, extractor fan and a cabinet in the kitchen; there were some exposed water pipes in the bathroom.

The Applicant’s Case

6. On the basis of information in the application form and the email dated 27th May 2025, the Applicant’s case is that she took the tenancy whilst subject to the threat of homelessness and whilst experiencing depression, which affected her awareness of the rent the property based on representations made by the letting agent.
7. The Applicant provided no comparable evidence of appropriate rent levels for similar properties in this area (save to the extent of the reference in the email, referred to above, to the Respondent landlord being a social landlord and other

rents for similar properties in the complex were significantly less than her rent).

8. It is implicit in the application (and expressly referred to at the inspection) that the Applicant's case is, in part, that:
 - a. the Respondent is a registered provider (that is, a social landlord);
 - b. the Respondent is accordingly required to comply with Regulator of Social Housing's Rent Standard, which limits the rents social landlords can charge;
 - c. that the rent for the Applicant's property is a market rent, in contrast to her neighbours;
 - d. the Respondent is not permitted to charge a market rent for the Applicant's property because to do so would be in breach of the Rent Standard;
 - e. the rent for the Applicant's property is therefore excessive.
9. However:
 - a. the Tribunal has no evidence in relation to any of these matters;
 - b. even if it did, it is not clear if a market rent exception applies (for example, by reason of the property being in an "excepted category" of property, as defined in Chapter 5 of (for instance, "specialised supported housing") the "Policy statement on rents for social housing" (the government's policy on rents for social housing);
 - c. moreover, and fundamentally, such matters are, in the judgment of the Tribunal, outside the scope of this application and the jurisdiction of the Tribunal.

The Respondent's Case

10. As referred to above, the Respondent landlord made no representations to the Tribunal.

The Law

11. Section 22 of the Housing Act 1988 is set out below:

22 Reference of excessive rents to appropriate tribunal.

(1) Subject to section 23 and subsection (2) below, the Tenant under an

assured shorthold tenancy may make an application in the prescribed form to the appropriate tribunal for a determination of the rent which, in the appropriate tribunal's opinion, the Landlord might reasonably be expected to obtain under the assured shorthold tenancy.

(2) No application may be made under this section if—

- (a) the rent payable under the tenancy is a rent previously determined under this section;
- (aa) the tenancy is one to which section 19A above applies and more than six months have elapsed since the beginning of the tenancy or, in the case of a replacement tenancy, since the beginning of the original tenancy; or
- (b) the tenancy is an assured shorthold tenancy falling within subsection (4) of section 20 above (and, accordingly, is one in respect of which notice need not have been served as mentioned in subsection (2) of that section).

(3) Where an application is made to the appropriate tribunal under subsection (1) above with respect to the rent under an assured shorthold tenancy, the appropriate tribunal shall not make such a determination as is referred to in that subsection unless they consider—

- (a) that there is a sufficient number of similar dwelling-houses in the locality let on assured tenancies (whether shorthold or not); and
- (b) that the rent payable under the assured shorthold tenancy in question is significantly higher than the rent which the Landlord might reasonably be expected to be able to obtain under the tenancy, having regard to the level of rents payable under the tenancies referred to in paragraph (a) above.

(4) Where, on an application under this section, the appropriate tribunal make a determination of a rent for an assured shorthold tenancy—

- (a) the determination shall have effect from such date as the appropriate tribunal may direct, not being earlier than the date of the application;
- (b) if, at any time on or after the determination takes effect, the rent which, apart from this paragraph, would be payable under the tenancy exceeds the rent so determined, the excess shall be irrecoverable from the Tenant; and

(c) no notice may be served under section 13(2) above with respect to a tenancy of the dwelling-house in question until after the first anniversary of the date on which the determination takes effect.

(5) Subsections (4), (5) and (8) of section 14 above apply in relation to a determination of rent under this section as they apply in relation to a determination under that section and, accordingly, where subsection (5) of that section applies, any reference in subsection (4)(b) above to rent is a reference to rent exclusive of the amount attributable to rates.

18. In so doing the Tribunal, as required by section 14(1), ignored the effect on the rental value of the property of any relevant Tenant's improvements as defined in section 14(2) of that Act.

Determination

12. The first consideration for the Tribunal is Section 22(3)(a) of the Act, that is, whether the Tribunal is satisfied that there is a sufficient number of similar dwelling houses in the locality.
13. The Act does not define “sufficient”, nor “similar”, nor “locality”. “Locality” has been considered in case law in the context of other statutes, but the Tribunal is not aware of any specific case law addressing these concepts in the context of section 22 of the Housing Act 1988.
14. The Tribunal has defined those words for the purposes of this determination as follows:
 - a. “sufficient” – in the broad exercise of its discretion, and applying its expert knowledge, an adequate number of properties for the Tribunal to form a reasoned opinion;
 - b. “similar” – the Tribunal has considered whether “similar” should be extended (as appears to be suggested by the Applicant) to the nature or legal status of the landlord under which the property is let (presumably because, ordinarily, a social landlord would let properties at a “social rent” or “affordable rent”), but the Tribunal is satisfied it is neither necessary nor appropriate to do so, that consideration being irrelevant to the issue as to whether a *property* is similar, and that similarity should be restricted to the physical characteristics of the property,

- because they are the characteristics that are inherent to the property, as opposed to characteristics of the tenancy;
- c. “locality” – within the postcode of the subject property or adjacent postcodes.
15. As neither party produced any evidence of comparable rents for similar properties in the locality (the Tribunal not being satisfied the reference made by the Applicant to the rent of other bungalows in the block is sufficient or reliable evidence of comparable rent, in the absence of confirmation by the Respondent, witness statements from the tenants or copies of the tenancy agreements) the Tribunal, being an expert Tribunal, has considered evidence of rent levels of similar 2-bedroom properties within the locality.
16. On the basis of its own expert knowledge and research of the rental market in the locality, the Tribunal has determined that the Landlord might reasonably be expected to obtain for a 2-bedroom bungalow let in good condition on the open market under the assured shorthold tenancy in the locality between £210.00 and £320.00 per week. From an open market, good condition, rent figure a deduction may be made of between £20.00, having regard to improvements (the provision of flooring and kitchen goods) by the tenant; the Tribunal is not satisfied any further deductions would be appropriate having regard to landlord neglect or necessary improvements.
17. Accordingly, the Tribunal finds that rent payable under the assured shorthold tenancy is not significantly higher than the rent which the Respondent landlord might reasonably be expected to be able to obtain under the tenancy, having regard to the level of rents payable under tenancies of similar properties in the locality.
18. Accordingly, section 22(3)(b) is not satisfied and the Tribunal has no power to make a determination in this application.

J Stringer

Tribunal Judge