



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

Case Reference : **HAV/18UG /MNR/2025/0777**

Property : **5 Sawmill Close, Totnes, Devon TQ9
5WT**

Tenants : **Mr S Grey & Ms V Gjorgieva**

Landlord : **David Brayley c/o Marchand Petit**
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Date of Objection : **16 September 2025**

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

Tribunal : **Mr D Jagger MRICS
Mr N Robinson FRICS**

**Date of
Reasons** : **8 December 2025**

DECISION

**The Tribunal determines a rent of £1,095 per calendar month with
effect from 15 December 2025.**

REASONS

Background

1. The Tribunal issued summary reasons following determination of this application on the 17 November 2025. Either party may request full reasons. These full reasons are provided following a written request via email from the Tenant dated 3 December 2025.
2. The Tenants have lived in the property since 2016 and the Tribunal were provided with a copy of the fixed-term agreement covering the period between 15 December 2016 and to end on 14 June 2017. Therefore, the fixed term tenancy has ceased, and the Tenants continue to occupy the property under a statutory periodic tenancy.
3. On the 15 September 2025 the Landlord served a notice pursuant to section 13(2) of the Housing Act 1988 seeking to increase the rent from £1,000 per calendar month to £1,095 per calendar month being an increase of £95 effective from 15 December 2025.
4. By an application dated 16 September 2025, the Tenants referred that Notice to the Tribunal for determination of the market rent.
5. Directions, dated 8 October 2025, required the Landlord to complete a reply form and the Tenants to do similar. Both the Landlord and the Tenants complied and both parties agreed that this matter could be determined on the papers alone.
6. These reasons address the key issues raised by the parties. They do not recite each point referred to in submissions but concentrate on those issues which, in the Tribunal's view, are fundamental to the determination.

Evidence

7. The Tribunal had before it a bundle of evidence, which had included a background to the case and the Directions. Each of the parties made comprehensive submissions in writing together with photographs and comparable evidence of various properties in the surrounding area.
8. The Tenants felt that the proposed increase in rent was not in line with other properties in the area. The two comparables provided by the tenant were for 2-bedroom houses which are a different property type to the subject. The Tenants state that the service charges for the block are included within the rental payment. This is not correct, and the Landlord

is responsible for management fees and service charges associated with the property.

9. The Landlord contends that the proposed rent increase is reasonable, justified and fair in line with current local market conditions. The Landlord's agent provided the Tribunal with a selection of comparable evidence (Rightmove Best Price Guide within a 3-mile radius) for two-bedroom houses and flats that had let in the general area. The Tribunal focused on the two bedroom flat that was let at £1,200 per month in Baltic Way, which is situated on the same development. This flat has a similar floor area to the subject but has a garage and overlooks the river. The Landlord's agent concluded that based on this evidence the subject property would let in today's market at £1,095 per month.

Property

10. The property is a purpose built first floor flat built by Bloor Homes forming part of a three storey block built in 2016 with an allocated parking space. Accommodation comprises: two bedrooms, living room, kitchen, bathroom and balcony. The property has an EPC Rating of B and a floor area of 65 square metres. The property has electric heating, double glazed windows, fitted floor coverings and carpets, provided by the landlord, curtains and integrated white goods in the kitchen. The Landlord's agent stated there was no disrepair.
11. The property is located on a modern estate close to local amenities, shopping facilities and transport links and schools.

The Law

12. The law governing a determination is set out in section 14 of the Housing Act 1988 ('the 1988 Act'). 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.
13. In the absence of any evidence to the contrary, and as set out in the previous tenancy agreement, 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

14. The Tribunal first considered whether it felt able to reasonably and fairly decide the case based on the papers submitted only with no oral hearing. Having read and considered the papers it decided that it could do so.
15. The Tribunal is required to determine 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. Such a letting would normally include carpets, curtains, cooker, fridge and washing machine. Market rents are normally expressed as a figure per month.
16. The personal circumstances of the Parties are not relevant to this issue.
17. The Tribunal has considered all the submissions from the parties and on the evidence provided the Tribunal considers that an achievable rent for a similar two-bedroomed flat 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 **£1,095** per month. This figure is based upon the comparable evidence provided by the parties and the Tribunal's professional judgement. This figure took into account the Tenant's photographic evidence in connection with the condition of the property.

Decision

18. 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 in its current condition was **£1,095** per calendar month.
19. The Tenants made no representation that the proposed starting date for the new rent specified in the Landlord's notice would cause undue hardship.
20. The Tribunal directed the new rent of **£1,095 per calendar month** to take effect on the **15 December 2025**. This being the date set out in the Landlord's Notice of Increase.

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).