



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

Case Reference : **MAN/00BN/MNR/2024/0702**

Property : **Flat 7 Cloverley, 108 Brooklands Road, Sale,
M33 3QE**

Applicants : **Shiva Choopani**

Respondent : **Altagracia Jacqueline Soriano Jimenez**

Type of Application : **Section 14, Housing Act 1988 – Market Rent
Determination**

Tribunal Members : **Judge J Stringer
Mr K Kasambara, MRICS**

Date of Decision : **24th June 2025**

DECISION

1. The rent is £900 per calendar month. The new rent takes effect from 24th June 2025.

REASONS

Preliminary Matters

1. In accordance with the *‘Practice Direction from the Senior President of Tribunals: Reasons for decisions’*, this decision refers only to the main issues and evidence in dispute, and how those issues essential to the Tribunal’s conclusions have been resolved.

Inspection and form of determination

2. The property was inspected on 24th June 2025. The Applicant only (and her son) were present. Neither party requested a hearing and the application was determined on the basis of the papers submitted by the parties in advance of the inspection, and the inspection.

The Law

3. The Tribunal considered and applied section 14 of the Housing Act 1988 (HA 1988).

Background to the application

4. The property (Flat 7, Cloverley, 108 Brooklands Road, Sale, M33 3QE) is subject to an assured shorthold tenancy which commenced in May 2022.
5. This application (dated 22nd October 2024) arises in consequence of service of a section 13 HA 1988 notice by the Respondent dated 5th October 2024. The notice proposed a new rent of £1200.00 per calendar month, to take effect from 25th November 2024, in place of the then current rent of £750.00 per calendar month.

Issues

6. The following issues were identified for determination by the Tribunal:
 - a. The market rent for the property which could be achieved if it were in good letting order;
 - b. Whether there were any matters which made it appropriate to reduce the market rent, and, if so;
 - c. The amount of any deductions from the market rent;
 - d. The rent to be applied to the property in the light of any deductions;
 - e. The commencement date for the rent, including potential undue hardship to the tenant.

Relevant Evidence and the Tribunal's Conclusions on the Issues

7. The property is a 2-bedroom ground floor flat, with a living room, kitchen and bathroom, and access to communal gardens.
8. The Tribunal's findings at the inspection were as follows:
 - a. The plastering to the hallway was bare, appearing to recently have been replastered;
 - b. There was loose flooring to the first bedroom;
 - c. There was loose flooring to the second bedroom and defective window locks (allegedly allowing draughts);
 - d. To the bathroom, there were a number of cracked tiles; the bathroom furniture was tenant supplied;

- e. To the lounge, there was loose flooring, bare plaster, damp plaster and defective window locks;
 - f. To the kitchen, of the white goods, the washing machine and fridge were tenant supplied, the tenant had supplied and fitted kitchen cupboard handles, there was a hole in a wall with the (allegedly) formerly leaking pipe exposed, there was evidence of a leak, dampness and infestation underneath the kitchen sink.
9. No market rent comparables were submitted by the parties.
10. On the basis of its professional knowledge of rents in the area for comparable properties the Tribunal found a market rent of £1100.00 could be achieved if the property were in good letting order.
11. In the exercise of its discretion, from this market rent figure the Tribunal deducted £100 in respect of the landlord neglect, evident on the inspection, £55.00 in respect of tenant supplied furnishings/white goods, and £45.00 in respect of tenant improvements/fittings.
12. The rent payable for the property as inspected by the Tribunal is therefore £900.00 per calendar month.
13. On the basis of the evidence from the tenant, in particular regarding her health and its effect on rental affordability (*"I believe [the proposed rent] is excessive and unreasonable...I am a disabled person with serious health conditions, including heart problems, arthritis, and spinal issues"*), the Tribunal was satisfied that if the increased rent were applied from a date earlier than the date of the decision it would result in undue hardship to the tenant, and accordingly the effective date for the new rent is 24th June 2025.