

FIRST - TIER TRIBUNAL

PROPERTY CHAMBER (RESIDENTIAL PROPERTY)

Case Reference	MAN/00EW/MRA/2026/0103
Property	27 Clare Avenue, Hoole, Chester, Cheshire, CH2 3HT
Tenant	Christina Raja Mena, Joseph Charlton
Landlord	Graham Wood and Miss Eleanor Clifford
Type of Application	Determination of Rent sections 13 & 14 of the Housing Act 1988 (as amended)
Tribunal Members	Judge Watkin Valuer Member – Nigel Foster MRICS
Date of Decision	30 October 2026
Rent Determined	£1,285 per calendar month
New Rent effective from	5 November 2026

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DECISION

The Tribunal determines 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 is £1,285 per calendar month.

The rent determined by the Tribunal shall take effect from 5 November 2026.

REASONS FOR THE DECISION

Background

1. The Property is 27 Clare Avenue, Hoole, Chester CH2 3HT. The Property is a mid-terrace house comprising two reception rooms, a kitchen, bathroom, two bedrooms and a rear garden. The Property is let unfurnished.

2. The tenancy commenced on 5 April 2024 and the initial rent was £1,200 per calendar month.

3. By a notice dated 6 July 2026, the Landlord proposed an increase in rent from £1200 per calendar month (as stated in the notice) to £1,310 per calendar month with effect from 5 November 2026.

4. The Tenant challenged the proposed increase and applied for a determination of the market rent.

Allocation of Repairs between Landlord and Tenant.

5. As per section 11 of the Landlord and Tenant Act 1985.

Services Charges or Furniture provided by Landlord (other than carpets and curtains and white goods specified below)

6. No service charges were identified as part of or separately from the rent. The Property is unfurnished.

Liability for Council Tax

7. The Tenant is responsible for the payment of Council Tax in respect of the Property. The rent determined is exclusive of Council Tax.

Any other terms of the tenancy taken into consideration in determining the rent.

8. No other tenancy terms were taken into consideration.

Inspection/Hearing

9. No inspection was undertaken and the application has been determined in the absence of the parties.

The Property

10. The Tribunal finds that the Property is a two-bedroom mid-terrace house situated in Hoole, Chester. The Property benefits from two reception rooms, kitchen, bathroom and rear garden. The Property is set back from the pavement and occupies a popular residential location.

Tenant's Position

11. The Tenant contends that the market rent is £1,100 per calendar month.

12. The Tenants rely upon a number of comparable properties advertised between approximately £1,100 and £1,200 per calendar month. They submit that those comparables demonstrate that the proposed rent exceeds the prevailing market rent. However, these seem to show properties that are smaller than the subject property which may account for the lower rents.

13. The Tenants state that no significant improvements or upgrades have been made to the Property to justify the proposed increase. The Tenants further rely upon a number of maintenance issues arising during the tenancy, including

damp around windows, boiler issues, humidity problems, a faulty lock, a faulty toilet, plumbing issues and an intermittent smell associated with the boiler flue. The Tenants also state that the garden was in a neglected condition at the commencement of the tenancy and that they have invested considerable time and effort in restoring and maintaining it. The Tenants raise concerns regarding previous dealings with the letting agent and previous rent increases.

Respondent's Position

14. The Landlord contends that the proposed rent reflects the open market rental value of the Property.

15. The Landlord relies upon historic correspondence relating to maintenance issues reported during the tenancy and submits that reported issues were investigated and addressed where appropriate. This is supported by the inspection reports provided recording the Property to be generally well maintained and in good condition.

16. The Landlord has provided comparable rental evidence comprising properties marketed during July and August 2026 at rents ranging between approximately £1,300 and £1,450 per calendar month. Whilst this information is useful, there is very little detail, such as floor areas, which prevents the Tribunal from placing significant weight on the comparables therein.

Determination and Valuation

17. The Tribunal is required by section 14 of the Housing Act 1988 to determine the rent at which the dwelling-house might reasonably be expected to be let in the open market by a willing landlord under an assured tenancy.

18. In reaching its determination the Tribunal considered:

    a. the size and accommodation provided by the Property;
    b. the location of the Property;
    c. the condition observed on any photographs provided;
    d. any evidence regarding repairs or maintenance;

e. any comparable rental evidence placed before the Tribunal; and
f. the Tribunal's own knowledge and experience of the local rental market.

19. The Tribunal has considered the maintenance issues relied upon by the Tenants, including reports of damp, boiler problems, humidity issues, plumbing issues and an intermittent smell said to be associated with the boiler flue. The Tribunal has also considered the historic correspondence provided by the Landlord concerning those matters.

20. The Tribunal accepts that maintenance issues are capable of affecting rental value. However, the documentary evidence demonstrates that issues raised during the tenancy were reported, investigated and responded to. The Tribunal is not satisfied that the evidence establishes defects of such significance at the valuation date as to justify a substantial reduction in market rent.

21. The Tribunal has considered the comparable evidence provided by both parties. The comparables relied upon by the Tenants are generally advertised between £1,000 and £1,200 per calendar month. The Tribunal notes that several appear to be newer properties than the subject Property and that some occupy positions less comparable to the Property. The Tribunal also notes that advertised rents are not necessarily indicative of achieved rents.

22. The Landlord's comparables comprise properties marketed during July and August 2026 at rents between approximately £1,300 and £1,450 per calendar month. Whilst the Tribunal accepts that differences exist between the properties relied upon, the evidence demonstrates that properties in the local market are being marketed at levels above the current rent. The Tribunal has considered both sets of comparables with care and has not treated any individual property as determinative of market rent.

23. The Tribunal has noted the Tenants' concerns regarding previous dealings with the letting agent and historic discussions concerning rent increases. However, those matters do not assist the Tribunal in carrying out its statutory task of determining the open market rent of the Property.

24. Having regard to the accommodation provided, the condition of the Property, the maintenance history, the comparable evidence submitted by both parties and the Tribunal's own knowledge and experience of the local rental market, the Tribunal determines the open market rent pursuant to section 14(1) to be £1285 per calendar month.

Date of New Rent

25. Pursuant to section 14ZB, the rent payable following the determination by the Tribunal takes effect from the beginning of the first new period of the tenancy. Therefore, the rent of £1285 is payable from 5 November 2026.

26. The Tribunal has considered whether the Tenants will suffer financial hardship from the increase. However, the information provided is not sufficient to enable the Tribunal to conclude that they would suffer hardship. Therefore, the new rent of £1,285 will be payable from 5 November 2026.

APPEAL PROVISIONS

If either party is dissatisfied with this decision, they may apply for permission to appeal to the Upper Tribunal (Lands Chamber) on any point of law arising from this Decision. Prior to making such an appeal, an application must be made, in writing, to this Tribunal for permission to appeal. Any such application must be made within 28 days of the issue of this statement of reasons (regulation 52 (2) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013) stating the grounds upon which it is intended to rely in the appeal.

Judge R Watkin