



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

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|-----------------------------|----------|--|
| <b>Case Reference</b>       | <b>:</b> | <b>HAV/29UD/MNR/2024/0626</b>  |
| <b>Property</b>             | <b>:</b> | <b>19 Nelson Road<br/>Dartford<br/>Kent<br/>DA1 3EJ</b>                                |
| <b>Applicant Tenant</b>     | <b>:</b> | <b>Ms A Kaler</b>  |
| <b>Representative</b>       | <b>:</b> | <b>None</b>  |
| <b>Respondent Landlords</b> | <b>:</b> | <b>Ms S Forni and Ms S Forni</b>   |
| <b>Representative</b>       | <b>:</b> | <b>Haart Lettings</b>  |
| <b>Type of Application</b>  | <b>:</b> | <b>Determination of a Market Rent sections<br/>13 &amp; 14 of the Housing Act 1988</b> |
| <b>Tribunal Members</b>     | <b>:</b> | <b>Mr I R Perry FRICS<br/>Mr S J Hodges FRICS</b>                                      |
| <b>Date of Application</b>  | <b>:</b> | <b>30<sup>th</sup> October 2024</b>  |
| <b>Date of Decision</b>     | <b>:</b> | <b>17<sup>th</sup> March 2025</b>  |

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**DECISION**

**The Tribunal determines a rent of £1,650 per calendar month with effect from 2<sup>nd</sup> November 2024.**

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## **SUMMARY REASONS**

### **Background**

1. On 20<sup>th</sup> September 2024 the Landlords' Agent served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £1,800 per month in place of the existing rent of £1,400 per month to take effect from 2<sup>nd</sup> November 2024.
2. On 30<sup>th</sup> October 2024 under Section 13(4)(a) of the Housing Act 1988, the Tenant referred the Landlords' notice proposing a new rent to the Tribunal for determination of a market rent.
3. The Tribunal issued Directions on 19<sup>th</sup> November 2024 requiring the Landlords to send a completed Statement to the Tenant, with an electronic copy to the Tribunal by 3<sup>rd</sup> December 2024. The Tenant should then send a copy of a completed Statement to the Tribunal by 17<sup>th</sup> December 2024. Copies of the Statements should be sent to the other party.
4. On 12<sup>th</sup> December 2024 the Landlords' Agent sent a Statement to the Tribunal and on 17<sup>th</sup> December 2024 the Tenant sent a Statement to the Tribunal which she had copied to the Landlord.
5. On 2<sup>nd</sup> January 2025 the Tribunal considered the matter and decided that a new rent of £1,700 per month should take effect from 2<sup>nd</sup> November 2024.
6. On 3<sup>rd</sup> January 2025 the Tenant contacted the Tribunal office when she stated that she had not received a copy of the Landlords' Statement. The Tribunal forwarded a copy of the Landlords' Statement to the Tenant on 4<sup>th</sup> January 2025.
7. The Tenant responded with 2 emails on 4<sup>th</sup> January 2025. This was after the Tribunal had made its determination.
8. Following discussion with a procedural Judge the Landlords' Agent was asked to submit a Case Management Application in respect of the late submission. This was submitted on 13<sup>th</sup> January 2025 requesting that the original late submission should be accepted but it does not refer to the fact that the original Statement had not been copied to the Tenant.
9. Although the Tribunal had determined a rent on 2<sup>nd</sup> January 2025 it was concerned that the Tenant has been disadvantaged by the failure of the Landlords to follow the original Directions. Whilst the Tenant had now received a copy of the Landlords' submission from the Tribunal this was after the Tribunal had reached its decision.
10. The Tribunal accepted the Landlords' Application for late submission of its original Statement but issued further Directions on 26<sup>th</sup> February 2025 to allow the Tenant to make a further submission, if she so wished, to be received by the

Tribunal by 12<sup>th</sup> March 2025, whereupon the Tribunal would reconsider its decision made on 2<sup>nd</sup> January 2025.

11. The Tenant made a further submission to the Tribunal by 2 emails sent on 12 March 2025.

### **Inspection**

12. The Tribunal did not inspect the property but considered this case based on the papers provided by the parties and information freely available on the internet.

### **Evidence**

13. The Tribunal has considered the written submissions provided by the Tenant and the Landlords' Agent, including photographs sent to the Tribunal on 12<sup>th</sup> March 2025.

### **Determination and Valuation**

14. Having given consideration to the evidence provided by the parties and of its own expert, general knowledge of rental values in the area, the Tribunal determines that the open market rent for the property in good tenable condition would be £1,750 per calendar month.
15. Such a tenancy would normally include white goods, carpets, curtains/blinds and associated fittings to all be provided by the Landlords.
16. In this case the property is let with white goods, carpets and curtains all supplied by the Landlords.
17. The Tenant refers to rodent infestation and advice from a pest control contractor that some repairs are necessary to deal with this. The Tribunal considers that this work should be regarded as a repair to be dealt with by the Landlords and noted that this work has still not been completed by the Landlords. Accordingly, the Tribunal considers that a reduction of £50 per month should be applied which equates to £600 in a full 12 months.
18. The Tribunal also noted the condition of the Bathroom and Kitchen, particularly some missing kick boards and unit doors within the kitchen which do not close properly, and decided that a further reduction of £50 per month should be made to reflect these general wants of repair.
19. The Tribunal therefore decided that the rent at which the subject property might reasonably be expected to be let in the open market by a willing Landlord under the terms of this assured tenancy was £1,650 per month.
20. The Tenant made no representation that the starting date for the new rent specified in the Landlords' notice would cause the Tenant undue hardship.
21. Accordingly, the Tribunal directed that the new rent of £1,650 per month should take effect from 2<sup>nd</sup> November 2024, this being the date specified in the notice.

**APPEAL PROVISIONS**

These summary reasons are provided to give the parties an indication as to how the Tribunal made its decision. If either party wishes to appeal this decision, they should first make a request for full reasons and the details of how to appeal will be set out in the full reasons. Any request for full reasons should be made within a month. Any subsequent application for permission to appeal should be made on Form RP PTA.