

	<b>FIRST - TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL PROPERTY)</b>
<b>Case Reference</b>	<b>BIR/17UB/MDR/2025/0005</b>
<b>Property</b>	<b>21 The Green Swanick Alfreton DE55 1BL</b>
<b>Tenant</b>	<b>Steve Mitton</b>
<b>Tenant's Representative</b>	<b>None</b>
<b>Landlord</b>	<b>Timothy Allen</b>
<b>Landlord's Address</b>	<b>9 Bridge Lane Pentrich Derbyshire DE5 3RQ</b>
<b>Landlord's Representative</b>	<b>None</b>
<b>Date of Application</b>	<b>2 November 2025</b>
<b>Type of Application</b>	<b>Determination of a Market Rent sections 13 &amp; 14 of the Housing Act 1988</b>
<b>Tribunal Members</b>	<b>Nicholas Wint FRICS – Chair Ian Humphries FRICS</b>
<b>Date of Decision</b>	<b>11 February 2026</b>
<b>Rent Determined</b>	<b>£750.00 per calendar month</b>
<b>Date the new rent takes effect</b>	<b>11 February 2026</b>

## **REASONS FOR THE DECISION**

### **Background**

1. The Landlord served a notice dated 7 November 2025 under Section 13(2) of the Housing Act 1988 which proposed a new rent of £800 per calendar month(pcm) in place of the existing rent of £575 pcm to take effect from 6 November 2025.
2. On 2 November 2025, under Section 13(4)(a) of the Housing Act 1988, the Tenant referred the Landlord's notice proposing a new rent to the Tribunal for determination of a market rent.
3. The assured tenancy commenced on 6 April 2023. The rental period is monthly.

### **Allocation of Repairs between Landlord and Tenant.**

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

### **Liability for Council Tax**

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

### **Inspection/Hearing**

7. Neither party requested an inspection or a hearing.
8. The Tribunal considered this case on the basis of the papers provided by the parties and its own knowledge and specialist expertise.

### **The Property**

9. The Property is a terraced house and provides the following accommodation:

Internal: Living room, kitchen, bathroom, and 2 bedrooms.

Outside: Garden.

The Property benefits from central heating and double glazing. The Tenant has provided all the carpets and curtains and white goods.

## **Evidence**

10. Both the Tenant and the Landlord returned the Tribunal's Reply forms.

### *The Tenant*

11. The Tenant submitted a form detailing the accommodation and alterations carried out.
12. The Tenant also submitted various photographs of the Property evidencing some areas of mould and damp to the walls and personal items. In addition, the Tenant submitted details of a terraced property on The Green Swanwick having 2 beds and 1 bathroom at £675pcm
13. The Tenant did also provide a copy of an undated letter sent to the Landlord rejecting the rental increase but offering to accept a 10% increase as he only earns the minimum wage and is unable to pay any more.

### *The Landlord*

14. The Landlord similarly submitted details of the accommodation and a written statement provided by the Landlords representative.
15. In the statement the following comparable evidence was referred to:  
  
Priory Road Alfreton – 2 bed mid-town house at £795pcm  
Ashton Close Alfreton – 2 bed modern semi-detached house at £875pcm  
19 The Green Swanwick – 2 bed terraced house at £800pcm  
17 Derby Road Swanwick – 2 bed terraced house at £184.62 per week
16. The statement included various photographs and in the opinion of the agent the Property is in good condition and that there are no outstanding maintenance issues and the issues relating to damp are only minimal arising from poor ventilation and a lack of heating in the room and a hole in the ceiling beneath an upstairs radiator which was dripping and causing slight damage to an area of the kitchen flooring.
17. An email dated 27 November 2025 from Tim Allen also sets out further evidence in this respect.

## **Determination and Valuation**

18. The Tribunal had regard to the parties submissions and evidence and to its own expert, general knowledge of rental values in the area.

19. The Tribunal considers that the market rental of the subject Property modernised and in good order would be in the order of £800pcm.
20. This is the rent we would expect the property to let for in the open market if it was in the same general condition as other properties that are offered to let in the market.
21. The Tribunal found it necessary to make an adjustment for the condition of the Property compared to the evidence.
22. The Tribunals full valuation is shown below:

Starting Rent	<u>£800.00pcm</u>
<i>Less Adjustments for condition</i>	<u>£50.00</u>
<b>Market rent</b>	<b>£750.00 pcm</b>

### **Undue hardship**

12. The new rent takes effect from the date specified in the Landlord's Notice of Increase unless that would cause undue hardship to the tenant. In cases of undue hardship, the Tribunal has a discretion to fix a later starting date up to the date a Tribunal makes its determination.
13. The Tenant made an application in this respect. The Tenant stated he struggled with monthly costs due to his limited income and the rental increase would therefore be unaffordable.
14. As a result of our decision the rent will increase by £175 per month. The date specified in the landlord's notice was 6 November 2025 however given the Tenants financial circumstance the Tribunal sets the starting date for the new rent as at the date of the hearing being 11 February 2026.

### **Decision**

15. Therefore, the Tribunal determines the market rent at £750 per calendar month with effect from 11 February 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.