

	<p>FIRST - TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL PROPERTY)</p>
<p>Case Reference</p>	<p>MAN/00CH/MNR/2026/0123</p>
<p>Property</p>	<p>25 Lavers Road, Birtley DH3 1HH</p>
<p>Tenant</p>	<p>Carleen Hardy</p>
<p>Tenant's Representative</p>	
<p>Landlord</p>	<p>Graham &amp; Julie Moffatt</p>
<p>Landlord's Address</p>	<p>4 Coronation Terrace, Grange Villa, Chester-le-Street DH2 3LH</p>
<p>Landlord's Representative</p>	<p>Visionary Homes</p>
<p>Date of Application</p>	<p>05 March 2026</p>
<p>Type of Application</p>	<p>Determination of a Market Rent sections 13 &amp; 14 of the Housing Act 1988</p>
<p>Tribunal Members</p>	<p>Mr N Swain MRICS – Chair Ms S Johnson</p>
<p>Date of Decision</p>	<p>28 May 2026</p>
<p>Rent Determined</p>	<p>£650.00 per calendar month</p>
<p>Date the new rent takes effect</p>	<p>01 April 2026</p>

## REASONS FOR THE DECISION

### Background

1. On 18 February 2026, the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £700.00 per calendar month(pcm) in place of the existing rent of £450.00 pcm to take effect from 01 April 2026.
2. On 05 March 2026, 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 17 June 2019 for a term of 1 year. The rental period is monthly.

### Allocation of Repairs between Landlord and Tenant.

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

Services Charges or furniture provided by Landlord (other than carpets and curtain and white goods specified below) and the costs relating to the same.

5. A cooker, provided within the monthly rent.

### Liability for Council Tax

6. 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.

7. None.

### Inspection/Hearing

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

### The Property

9. The Tribunal did not inspect the Property.
10. The Property is a mid terrace three bedroom house, offering the following accommodation:

Living room, kitchen, WC, three bedrooms, and bathroom with full suite.

Outside: Garden.

The Property benefits from gas central heating and double glazing.

The Property is situated near to the centre of Birtley.

## Evidence

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

### *The Tenant.*

12. The Tenant made the following comments:

- a) The Tenant confirmed that they had provided flooring and carpets within the property, and installed skirting boards and replaced the internal doors. They had also installed some fitted wardrobes.
- b) Damp issues are noted in several rooms, causing black mould, and fungi had been growing in the bathroom.
- c) A number of issues had been reported to Environmental Health, which had resulted in the landlord being served an improvement notice. Those issues had been resolved and the notice revoked in 2024.

13. In terms of rental evidence, the Tenant had provided no evidence at all.

### *The Landlord*

14. The Landlord made the following comments:

- a) The Landlord confirmed that there had been issues with the property, but they had been resolved. They provided a copy of the notice of revocation for the improvement notice.
- b) They were not aware of any issues at the present time.
- c) They noted that their surveyor had indicated that the damp and mould issues were caused by the tenant not ventilating the property properly.

15. In terms of rental evidence, they merely indicated that similar properties in the area rent for between £775 and £850 pcm but provided no comparables.

## Determination and Valuation

16. In the absence of any comparable evidence, relying on its own expert, general knowledge of rental values in the area the Tribunal considers that the market rental of the subject Property modernised and in good order would be in the order of £700.00 pcm. 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 the comparable properties including having white goods and curtains provided by the landlord.

17. From this level of rent, the Tribunal has made adjustments in relation to the following:

- a) Issues with the condition of the Property which reduce its value, including condensation.
- b) Improvements and fittings provided by the Tenant and for which they should not pay: including white goods and carpets/flooring.

The full valuation is shown below:

Starting Rent

£700.00 pcm

Less

a)	Items given under a) above	£25.00
b)	Items given under b) above	£25.00
		<u>£50.00</u>

Market rent

£650.00 pcm

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 has asked the Tribunal to fix a later starting date in this case. They say they will otherwise be caused undue hardship because they rely on universal credit payments. However, they provide no evidence of this.
14. The Landlord did not respond to the Tenant's application for postponement due to hardship.
15. As a result of our decision the rent will increase by £200 a month. The date specified in the landlord's notice was 01 April 2026. On the basis that no evidence was supplied by the Tenant, the Tribunal has no reason to delay the effective date.

Decision

16. Therefore, the Tribunal determines the market rent at £650.00 per calendar month with effect from 01 April 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.