

	FIRST - TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL PROPERTY)
Case Reference	CAM/00KA/MNR/2026/0120
Property	Flat 11, Brooklands Court, Stirling Drive, Luton, Bedfordshire, LU2 0GE
Tenant	Stephen David-William
Tenant's Representative	Eyyubhan Erdem
Landlord	Majid Khalil
Landlord's Address	c/o Zenith Estate and Management Limited, 40 Bury Park Road, Luton, LU1 1HE
Landlord's Representative	Najam Abbas
Date of Application	20 May 2026
Type of Application	Determination of a Market Rent sections 13 & 14 of the Housing Act 1988
Tribunal Members	Judge Alice Holtom Patrick McGreal MRICS
Date of Decision	9 July 2026
Rent Determined	£1,410 per calendar month
Date the new rent takes effect	1 August 2026

REASONS FOR THE DECISION

Background

1. On 23 April 2026, the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £1,450 per calendar month("pcm") in place of the existing rent of £1,310 pcm to take effect from 1 June 2026.
2. On 20 May 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 1 November 2023 for a term of 12 months. 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. The rent determined is exclusive of Council Tax.

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

6. None

Inspection/Hearing

7. 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

8. The Property is a first floor flat in a modern residential eight storey block, offering the following accommodation:

Open plan living room and kitchen, two bedrooms (one en-suite) and one bathroom.

Outside: A carparking space is allocated to the dwelling.

The Property benefits from communal heating and hot water by electricity, and double glazing.

White goods are included within the tenancy

The Property is situated close to Luton Parkway mainline station and Luton airport

Evidence

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

The Tenant.

10. The Tenant made the following comments:

- a) On 23 April 2026, the Landlord served a notice using Form 4. The proposed increase is stated to take effect on 1 June 2026. Accordingly, the Landlord's use of Form 4 rather than Form 4A may render the notice invalid.
- b) Some of the laminated flooring in the hallway is buckled and warped because of flooding that occurred in May 2024. Mould has developed beneath the floor, and the Tenant provided photographs in support of this allegation.
- c) Comparable two-bedroom flats in good condition within the same development, including properties in Brooklands Court and Ellesmere Court, are being let for approximately £1,450 per calendar month.
- d) There has been disrepair including mould in the kitchen and living area from November 2024 until September 2025, and a heating and hot water failure in February 2025.

11. In terms of rental evidence, the Tenant has produced a document containing the following:

- a) A summary table of average rents and range in Brooklands Court sourced from Bricks and Logic

- b) A table of rental market trends for Brooklands Court sourced from Bricks and Logic dated 13 May 2026
- c) Information regarding one 2-bedroom flat in Brooklands Court listed on Indigo Residential Listings at £800 pcm that the tenant states is historical.
- d) Information regarding a comparable two-bedroom flat on Stirling Drive, which was advertised by Leaders on 7 April 2026 at a rent of £1,450 per calendar month. The Tenant states that the property has remained vacant since being listed.
- e) The Tenant did not provide the original sources for the information provided in their document.

The Landlord

- 12. The Landlord commented that the proposed rent of £1,450 pcm represents a fair and reasonable open market rent for the property, taking into account the specification, location, size, demand for similar apartments in the area, and current market evidence but did not provide any comparables.

Determination and Valuation

- 13. Regarding the validity of the notice, notices served prior to 1 May 2026 when the Renters Rights Act 2025 came into force, fall under the previous legislation and the Tribunal's jurisdiction is limited to the determination of a rent under section 14 of the 1988 Act. The Tribunal does not have jurisdiction to determine whether a section 13 Notice is valid for all purposes. That is an issue for the county court.
- 14. That is not to say that the Tribunal may not sometimes need to take a view whether a notice is valid. If it considers that a notice is invalid, it may decline to proceed until the question has been determined by the court. Conversely, if it considers that a notice is valid and that objections are without substance, it may proceed to determine the appropriate rent, but its determination will not prevent a tenant from disputing the validity of the notice. As the notice was served prior to 1 May 2026 the correct form is Form 4 and the Tribunal is satisfied that has jurisdiction to proceed to determine the appropriate rent.
- 15. The tables provided by the Tenant contain purported average rental figures and general market trend data. The information does not include details regarding the properties relied upon, such as their size, layout, condition, specification, precise location or other relevant characteristics. As a result, the Tribunal is

unable to determine whether the properties included within the data are genuinely comparable to the subject property. Accordingly, the Tribunal places limited weight on these figures when assessing the market rent of the property.

16. The Tenant's evidence regarding a two-bedroom flat in Brooklands Court advertised at £800 per month is accepted as being of historical interest only. The advertised rent relates to a previous period and does not reflect the market conditions applicable at the relevant valuation date. Consequently, the property cannot be relied upon as a useful comparable for determining the current market rent of the subject property, and the Tribunal places limited weight on this evidence when assessing the appropriate rent.
17. The Tenant also relies on a two-bedroom flat in Brooklands Court that was advertised at £1,450 per month. Whilst there is some indication that the property may have remained on the market for approximately three months, the Tribunal has not been provided with sufficient evidence regarding the property's size, condition, layout, specification or precise location within the development. In the absence of such information, the Tribunal is unable to determine whether the property is genuinely comparable to the subject property. Accordingly, the Tribunal places little weight on this evidence when assessing the market rent.
18. Relying on its own expert, general knowledge of rental values in the area, and the statement by the tenant that same-development 2-bed flats in good condition in Brooklands Court and Ellesmere Court let at £1,450 pcm, the Tribunal considers that the market rental of the subject property modernised and in good order would be in the order of £1,450pcm.
19. The Tribunal acknowledges the damaged flooring identified by the Tenant, which arose from a historic leak. However, having considered the nature and extent of the damage, the Tribunal is not satisfied that it is of sufficient severity to have a material impact on the open market rental value of the property at the valuation date. The remaining items of disrepair relied upon by the Tenant are historic in nature and on the evidence before the Tribunal, had either been remedied or were not of a nature that would materially affect the rent a willing tenant would pay in the open market at the relevant date. Accordingly, the Tribunal does not consider these matters to justify any reduction in the assessed market rent.
20. From this level of rent, the Tribunal has made no adjustments in relation to the following:
 - a) Damaged laminate flooring in hallway
 - b) Mould in the kitchen and living area from November 2024 until September 2025
 - c) A heating and hot water failure in February 2025.

The full valuation is shown below:

Starting Rent			<u>£1,310</u>
<u>Less</u>			
a) Items given under a) above	£0		
b) Items given under b) above	£0		
c) Items given under c) above	£0		<u>£0</u>
Market rent			£1,410
Undue hardship			

12. The tenant does not suggest that the rent increase will cause them hardship.

Decision

13. Therefore, the Tribunal determines the market rent at £1,410 per calendar month with effect from 1 August 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.