

	FIRST - TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL PROPERTY)
Case Reference	MAN/00BY/MNR/2026/0108
Property	19 Kilshaw Street, Liverpool, L6 2BQ
Tenant	Jennifer Jane Riley
Tenant's Representative	
Landlord	James Magowan
Landlord's Address	50 Aintree Road, Bootle, L14 5NW
Landlord's Representative	Lyons Estates Ltd
Date of Application	9 March 2026
Type of Application	Determination of a Market Rent sections 13 & 14 of the Housing Act 1988
Tribunal Members	Mr S Wanderer MRICS – Chair Mrs A Usher
Date of Decision	27 May 2026
Rent Determined	£1,000.00 per calendar month
Date the new rent takes effect	1 April 2026

REASONS FOR THE DECISION

Background

1. On 25 February 2026, the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £950.00 per calendar month(pcm) in place of the existing rent of £600.00 pcm to take effect from 1 April 2026.
2. On 9 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 1 April 2020 for a term of 6 months. The rental period is monthly.

Allocation of Repairs between Landlord and Tenant.

4. As per tenancy agreement and 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. The Tenant does not pay any service charges, The Property is let unfurnished.

Liability for Council Tax

6. The Tenant/Landlord 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. N/A.

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 Property is described in the submissions as a mid-terrace house providing the following accommodation:

Ground Floor: kitchen, living room, W/C

First Floor: 3 bedrooms, bathroom, storage

Outside: storage cupboard, rear garden.

The Property is situated in the Everton area of Liverpool within close proximity of amenities. Liverpool City Centre is approximately 1 ½ miles to the south west.

Evidence

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

The Tenant.

11. The Tenant made the following comments:

- a) The Tenant submitted that she had received the Landlord's notice of increase on 3 March 2026 and that, on this basis, the notice was invalid as it did not provide requisite one month's notice of the increase.
- b) The Property is alleged to have a problem with rodents, back gates do not open properly, several bedroom windows don't lock, seal defective to lounge window, The kitchen and bathroom are described as very dated, damage to ground floor ceilings following leak, mould on window, kitchen window nailed closed.
- c) The outdoor store cupboard is filled with Landlord's items so not useable by the Tenant.

12. The Tenant did not provide any rental evidence or offer an opinion as to the appropriate rental value.

The Landlord

13. The Landlord provided a copy of a valuation report for the Property dated 10 March 2026 which gave an unfurnished rental value for the Property of £1,100. following comparables were provided with the report (all 3 bed houses):

- a) 12 Marsden Street - £1,300 pcm
- b) 5 Kilshaw Street - £1,100 pcm
- c) 36 Hamilton Street - £1,100 pcm

Determination and Valuation

14. The Tribunal initially considered the validity of the Landlord's notice of increase. Whilst the Tribunal does not have the jurisdiction to determine whether or not a notice of increase is valid, which is a matter for the County Court, The Tribunal considers that it can take a view on the validity of the notice in order to decide whether it has the necessary jurisdiction to determine the rent (*Mooney v Whiteland* [2023] EWCA Civ 67). In this case, the Tribunal is satisfied that the usual legal

principles in relation to the service of notices apply, meaning that service is effected when the notice would have been delivered in the ordinary course of post. Beyond her assertion, the Tenant has not produced any evidence as to the date the letter was delivered and the Tribunal's view is that the notice was validly served.

15. In the absence of any submissions on valuation from the Tenant, the Tribunal places primary weight on the valuation opinion provided by the Landlord and the rental evidence on 5 Kilshaw Street.
16. Relying on its own expert, general knowledge of rental values in the area, and the comparables provided by the Landlord, the Tribunal considers that the market rental of the subject Property modernised and in good order would be in the order of £1,100.00 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.
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 damage to the ground floor ceilings.
 - b) The Tenant's inability to utilise the outdoor storage cupboard.

The full valuation is shown below:

Starting Rent		£1,100.00 pcm
<u>Less</u>		
a)	Items given under a) above	£75.00
b)	Items given under b) above	£25.00
		<u>£100.00</u>
Market rent		
		£1,000.00
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 stated that a rent increase will cause financial hardship. Only very limited information without supporting evidence was provided as to the Tenant's financial position.
14. Whilst any significant increase in rent will inevitably cause some measure of hardship, in considering whether to exercise its discretion to postpone the rent increase, the question for the Tribunal is whether undue hardship will be caused. In this case, the Tribunal does not consider that

a case for undue hardship is established. Accordingly, the new rent will take effect from the date specified in the Landlord's Notice of Increase.

Decision

15. Therefore, the Tribunal determines the market rent at £1,000.00 per calendar month with effect from 1 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.