

	FIRST - TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL PROPERTY)
Case Reference	BIR/17UD/MNR/2025/0620
Property	Flat 2 Atkinson Court Baden Powell Road Chesterfield Derbyshire S40 2RT
Tenant	Adrian Carl Whittington
Tenant's Representative	
Landlord	Chadwick Properties Limited
Landlord's Address	123 North Wingfield Road Grass Moor Chesterfield S42 5EB
Landlord's Representative	
Date of Application	28th January 2025
Type of Application	Determination of a Market Rent sections 13 & 14 of the Housing Act 1988
Tribunal Members	Mr G S Freckelton FRICS (Chairman) Mrs K Bentley
Date of Decision	17th July 2026
Rent Determined	£530.00 per calendar month
Date the new rent takes effect	1st July 2025

REASONS FOR THE DECISION

Background

1. On 18th December 2024 the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £550.00 per month in place of the existing rent of £439.70 to take effect from 1st February 2025.
2. On 28th January 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 1st June 2022 for a term of six 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.

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

5. None.

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.

9. The Property is a ground floor flat offering the following accommodation:

Hallway, one living room, kitchen, one bedroom, bathroom.

There is electric heating and double glazing. Carpets and curtains are provided by the landlord. White goods are provided by the tenant.

Outside: Off street parking.

Evidence

10. The tenant submits:

- a) He has repaired kitchen doors.
- b) The kitchen is over 20 years old.
- c) He has repaired the front door and fixed tiles.
- d) He has had a heart attack and has been unable to work.
- e) He has re-carpeted the flat.

11. The landlord submits:

- a) A bedroom window has recently been repaired.
- b) The rent review proposed is in accordance with local market rentals.

12. The landlord submits the following comparable evidence of one-bedroom flats:

- a) Burlington Square – Marketed at £800.00 per month.
- b) St John Court – marketed at £600.00 per month.
- c) Nightingale Close – marketed at £575.00 per month.

13. Details of some thirteen further flats were submitted at rentals between £475.00 - £850.00 per month. Some are age limited (over 55's), some are bedsits and some house shares. Of the flats submitted the Tribunal noted that they were generally all more modern and fitted to a higher standard than the subject property.

14. In response to the landlord's submissions, the tenant submitted that:

- a) The landlord's comparables were of a higher quality than his flat and some were not in the nearby area.
- b) Further comparables of some eleven flats were submitted. These ranged in price from £433.00 - £595.00 per month. Included in these was a studio and several house shares.
- c) Photographs of the subject property were submitted indicating that the property was clean and tidy but somewhat dated.

15. The tribunal considered the written submissions were provided by the parties.

Determination and Valuation

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 £800.00 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 we have made adjustments in relation to:

Condition

The kitchen is over 20 years old. The tenant has repaired some doors	65.00
<u>The property is older/more poorly presented than more modern comparables</u>	<u>125.00</u>
	£190.00

Improvements by the tenant

Repaired the front door and fixed tiles.	£25.00
Carpets and white goods provided by the tenant	£55.00

18. The full valuation is shown below:

Market Rent	£800.00
<u>Less</u>	
Condition	£190.00
Tenant improvements	£25.00
<u>Carpets and white goods</u>	<u>£55.00</u>
	£270.00
Market Rent	£530.00

Decision

19. The Tribunal therefore determined that the rent at which the subject property might reasonably be expected to be let in the open market by a willing Landlord under an assured tenancy was £530.00 per month with effect from 1st February 2025.

Undue Hardship

20. 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.
21. The Tenant has asked the Tribunal to fix a later starting date in this case. He says he will otherwise be caused undue hardship because he has had a heart attack and has lost his job.
22. The Landlord did not respond to the Tenant's application for postponement due to hardship.
23. As a result of our decision the rent will increase by just over £90.00 per month. The date specified in the landlord's notice was 1st February 2025. On the basis of the evidence supplied by the Tenant, the Tribunal considers that for the increase to take effect from the date in the Landlord's Notice would cause undue hardship and accordingly sets the starting date for the new rent as 1st July 2025.

Chairman: G S Freckelton FRICS

Date: 17th July 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.