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|  | <b>FIRST - TIER TRIBUNAL<br/>PROPERTY CHAMBER<br/>(RESIDENTIAL PROPERTY)</b>              |
| <b>Case Reference</b>                                                             | <b>HAV/29UG/MRA/2026/0001</b>                                                             |
| <b>Property</b>                                                                   | <b>Flat 53, Baltic Wharf, Clifton Marine Parade, Gravesham, Kent, DA11 0DH</b>            |
| <b>Tenant (Applicant)</b>                                                         | <b>Mr I Cornel</b>                                                                        |
| <b>Tenant's Representative</b>                                                    | <b>None</b>                                                                               |
| <b>Landlords (Respondents)</b>                                                    | <b>Mr G Lewis and Ms C Lewis</b>                                                          |
| <b>Landlord's Address</b>                                                         | <b>Unit 20-21 Easter Park, Ferry Lane South, Rainham, Kent, RM13 9BP</b>                  |
| <b>Landlords' Representative</b>                                                  | <b>None</b>                                                                               |
| <b>Date of Application</b>                                                        | <b>17 May 2026</b>                                                                        |
| <b>Type of Application</b>                                                        | <b>Determination of an open-market rent, sections 13 &amp; 14 of the Housing Act 1988</b> |
| <b>Tribunal Members</b>                                                           | <b>Mr J G G Wilson MRICS – Chair<br/>Ms S Johnson</b>                                     |
| <b>Date of Decision</b>                                                           | <b>28 July 2026</b>                                                                       |
| <b>Rent Determined</b>                                                            | <b>£1,420.00 per calendar month</b>                                                       |
| <b>Date of Valuation</b>                                                          | <b>1 August 2026</b>                                                                      |
| <b>Date the new rent takes effect</b>                                             | <b>1 August 2026</b>                                                                      |

## **REASONS FOR THE DECISION**

### **Background**

1. On 15 May 2026, the landlord, Ms Carmen Lewis, served a notice under section 13(2) (as amended) of the Housing Act 1988 ('the 1988 Act') which proposed a new rent of £1,420.00 per calendar month (pcm) in place of the existing rent of £1,395.00p pcm to take effect from 1 August 2026.
2. On 17 May 2026, under section 14(A3) of the 1988 Act, the tenant, Mr Ilie Cornel, referred the landlords' notice proposing a new rent to the Tribunal for determination of an open-market rent.
3. The tenancy commenced on 1 May 2022. The rental period is monthly.

### **Allocation of repairs between landlord and tenant.**

4. The Tribunal has not been provided with a copy of the tenancy agreement. In his application, Mr Cornel says the tenancy began on 1 October 2016. In their notice to propose a new rent the landlords say the tenancy commenced on 1 May 2022.
5. Section 11 of the Landlord and Tenant Act 1985 ('the 1985 Act') applies to the tenancy. In the absence of a copy of the tenancy agreement, the Tribunal gives its decision on the basis that the same is drafted in a standard form, with no term(s) that would have a material effect on the open-market rent, either positive or negative.

### **Service charges or furniture provided by landlords (other than carpets and curtains and white goods specified below) and the costs relating to the same.**

6. Neither are there any services, nor furniture, provided by the landlords under the tenancy.

### **Liability for Council Tax**

7. The tenant is responsible for the payment of Council Tax.

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

8. See paragraph 5 above.

### **Inspection/Hearing**

9. The parties have requested neither an oral hearing, nor an inspection of the property. Accordingly, the Tribunal has considered this case on the bases of the papers provided by the parties, the documentary evidence, and the Tribunal's general knowledge and specialist expertise.

### **The Property**

10. Baltic Wharf comprises a number of purpose-built blocks of flats, on ground and five upper floors of traditional brick construction with pitched tiled roofs.
11. Gravesham is in the northern part of Gravesend. Clifton Marine Parade is adjacent to the shoreline on the Thames Estuary.
12. Neither party has given a description of the accommodation of the property, but from the papers the Tribunal understands it is as follows: flat 53 – third floor, with lift access and providing a reception room with kitchen off and a balcony, two bedrooms, one kitchen, one shower room/WC (en suite), and one bathroom/WC.

There is an allocated car parking space.

### **Evidence**

13. Whereas the parties have completed the relevant MR1 (tenant) and MR2 (landlords) forms, the tenant has not submitted his MR3 (tenant's reply) form.

#### *The Tenant – Mr Cornel*

14. Mr Cornel has made the following comments:
  - a) Mr Cornel has not given a description of the property and says the tenancy does not include any other facilities.
  - b) Mr Cornel says he thinks the monthly rent should be £1,300 pcm, as another flat in the same building is on the market to let at £1,300 pcm.
  - c) Mr Cornel says a rent increase would cause him hardship but has provided no evidence to show the same.
  - d) Mr Cornel has provided the Tribunal with outline particulars of one comparable letting to support his case, briefly as follows:
    - 1) A two-bedroom flat with two bathrooms on Stuart Road, Gravesend, DA11 at a price of £1,300 pcm.
  - e) Mr Cornel says he needs assistance to pay the application fee and that he has not already applied for help with the same.

#### *The Landlords – Mr Lewis and Ms Carmen*

15. Ms Carmen has made the following comments:

- a) Ms Carmen does not agree with Mr Cornel's descriptions in his application and provides details separately. Ms Carmen does not agree with the rent proposed by Mr Cornel of £1,300 pcm and the reason he has given, as the comparable flat is not in the same building.
- b) Ms Carmen says the landlords want to charge the rent proposed in their notice.
- c) With respect to hardship, Ms Carmen says the landlords would like Mr Cornel to provide Bank statement evidence to show his earnings and outgoings.
- d) Mr Cornel has not requested an order to be made requiring the landlords to reimburse him for all (or part) of the application fee paid.

On two separate sheets, Ms Carmen gives further submissions:

- e) Overview – Stuart Road is not comparable in terms of location, development type, or value.
- f) Flat 53 is a riverside apartment, within a purpose-built development, approximately 71 square metres ('sq m'), benefitting from a premium position.
- g) On a pounds per square metre analysis (£ psm'), Stuart Road (£1,300 pcm and 64 sq m) equates to £20.31 psm; correspondingly the property based on 71 sq m and £1,420 pcm equates to £20.00 psm.
- h) Baltic Wharf – evidence indicates rental values from £1,295 pcm to £1,395 pcm. The proposed rent of £1,420 pcm reflects reasonable variation for size, positioning and condition.
- i) Independent market evidence – riverside two-bedroom flats in DA11 achieve £1,300 pcm to £1,450 pcm. The property is in the premium waterfront category.
- j) Market range assessment – same development: £1,295 pcm to £1,395 pcm; riverside market: £1,300 pcm to £1,450 pcm; and overall supported market rent: £1,350 pcm to £1,450 pcm.
- k) Conclusion – the proposed rent of £1,420 pcm falls within the supported market range and reflects both the size and superior riverside location. The tenant's evidence is not comparable and does not justify a lower rent.

Thereafter, Ms Carmen sets out the landlords' comparable evidence in Appendices A, B and C.

- l) Appendix A – comparable evidence: on a page with 'AI Mode' highlighted, are three recent listings of properties to rent at Baltic Wharf, which includes a two-bedroom, upper floor apartment at £1,400 pcm, with two bathrooms (one en suite), allocated gated parking space, wrap-around balcony and

Thames riverside views. A second two-bedroom, first floor apartment is priced at £1,395 pcm.

- m) Appendix B – tenant evidence review: outline lettings particulars for the two-bedroom, third floor flat on Stuart Road, marketed to let at £1,300 pcm. The accommodation comprises reception room, two bedrooms, two bathrooms (one en suite), kitchen and allocated parking.
- n) Appendix C – independent market data: under the heading ‘AI Overview’, the market rent for a riverside or waterfront two-bedroom flat in the DA11 (Gravesend/Northfleet) area is in the range of £1,200 pcm to £1,450 pcm. Of which premium/waterfront views, which includes Clifton Marine Parade, command £1,300 pcm to £1,450 pcm.

## **Determination and Valuation**

- 16. The Tribunal has read all the contents of the bundle (the papers), but it limits its discussion and considerations to those points relevant to reach its determination.
- 17. Mr Cornel has provided the Tribunal with a comparable letting on Stuart Road to support his opinion of the open-market rent of £1,300 pcm. Ms Carmen is critical of Mr Cornel’s evidence as it is not comparable in terms of location, development type, or value. Ms Carmen’s analysis on a pounds per square metre basis shows that the proposed rent of £1,420 pcm equates to £20.00 psm, which is less than the corresponding analysis for the Stuart Road comparable, an equivalent £20.31 psm.
- 18. Ms Carmen goes on to say that properties on the waterfront with river views command a premium over properties which do not have the benefit of those features to be taken into consideration.
- 19. In valuation terms an analysis on a pounds per square metre basis is an accepted method of valuation where the properties being compared have common characteristics. That is to say, inter alia: the properties are in the same, or a similar, building, thereby they share many characteristics; the transactions are contemporaneous or are not too remote; and the features of each property are known, typically, its condition, floor area, position in the building and size (gross internal area).
- 20. The Tribunal attributes some weight to Mr Cornel’s comparable evidence, in that it confirms the lower end of the range of the property in valuation terms. However, the Tribunal attributes substantial weight to the landlords’ comparable evidence and market analysis insofar as supported by the listings and other documentary evidence provided.

21. Applying its own expert, knowledge of rental values in the area, coupled with the evidence provided by the parties, the Tribunal has concluded that the market rent of the subject property, modernised and in good working order would be in the order of £1,420 (One Thousand Four Hundred and Twenty Pounds) per calendar month. This is the rent we would expect the property to let for in the open market at the valuation date and if it was in the same general condition as the comparable properties including having white goods and curtains provided by the landlord.

### **Undue Hardship**

22. The new rent takes effect from the date which is the beginning of the first new period of the tenancy which begins on or after the date of the determination 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 two months after it makes its determination.
23. Mr Cornel has said the rent increase will cause him undue hardship but has not provided the Tribunal with any evidence to support the same.
24. Ms Carmen has requested that Mr Cornel provide Bank statement evidence to show his earnings and outgoings to support his case. Mr Cornel has not done so.
25. As a result of our decision the rent will increase by £25.00 per month. In the absence of any evidence to support a case for hardship having been given by Mr Cornel, the Tribunal considers that for the increase to take effect from the date which is the beginning of the first new period of the tenancy would not cause him undue hardship and accordingly sets the starting date for the new rent as 1 August 2026.

### **Decision**

26. Therefore, the Tribunal determines the new rent amount at £1,420.00 (One Thousand Four Hundred and Twenty Pounds) per calendar month with effect from 1 August 2026.

### **Reimbursement of Fees**

27. In his application, Mr Cornel has said he needs help with paying the application fee, that he has not already applied for help with the same and that he will continue and pay for the application and apply for help with fees later. However, Mr Cornel has not requested that the Tribunal is to make an Order that the landlord should reimburse his application fee of £47.00.

28. Ms Carmen says in their MR2, section 2.9, the tenant has not requested an Order to be made requiring the landlords to reimburse the tenant for all (or part) of the application fee paid. The Tribunal notes that, whilst the tenant stated in his application that he required assistance with payment of the application fee, he did not request an order requiring the landlords to reimburse the application fee. In those circumstances, the Tribunal makes no order in relation to reimbursement of fees.

### **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.