

	FIRST - TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL PROPERTY)
Case Reference	HAV/29UB/MNR/2026/0169
Property	23 Sussex Avenue, Ashford, Kent TN24 8ND
Tenant	Susan O'Brien
Tenant's Representative	n/a
Landlord	Richard Austin
Landlord's Address	C/O Martin & Co, 7-9 Repton Avenue, Repton Park, Ashford, Kent TN23 3RX
Landlord's Representative	Martin & Co
Date of Application	28th May 2026
Type of Application	Determination of an Open-Market Rent sections 13 & 14 of the Housing Act 1988
Tribunal Members	Judge David Cowan – Chair Colin Davies FRICS
Date of Decision	3rd August 2026
Rent Determined	£1,350
Date the new rent takes effect	1st June 2026

REASONS FOR THE DECISION

Background

1. On 27th March 2026, the Landlord served a notice under Section 13 (2) (as amended) of the Housing Act 1988 which proposed a new rent of £1,450 per month in place of the existing rent of £1,350 per month to take effect from 1st June 2026.
2. On 28th 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 tenancy commenced on or around 1st June 2024 for a fixed term until 31st May 2025. The rental period is monthly.

Validity Of Notice – Section 13 of the Housing Act 1988

4. In their application form, the Tenant indicated that they believed that the Landlord's notice was valid.

Allocation of Repairs between Landlord and Tenant.

5. 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.

6. The Tenant states that no furniture is provided by the Landlord.

Liability for Council Tax

7. 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.

8. No other terms of the tenancy were taken into consideration in determining the rent.

Hearing

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

The Property

10. The Property is a terraced house, offering the following accommodation:

Property: two double bedrooms, one single bedroom, lounge, dining room, kitchen, utility room, bathroom, WC, garden with small shed

The property has gas central heating. Parking is by way of on street parking with a residents' permit.

The Property is situated in a residential area in the centre of Ashford with good transport links.

Evidence

11. The Tenant made the following comments:
 - a) The Tenant states that the gas boiler has stopped working on several occasions, and there has been extensive mould on the second bedroom wall and around the bath for around six months.
 - b) The Tenant states that they think the market rent of the property is £1300 based on comparables compiled from the date of service of the notice to early May 2026.
12. The Landlord's agent responded:
 - a) The property is a good sized, desirable three bedroom house in the centre of Ashford, benefiting from proximity to the railway links.
 - b) The Landlord is proactive with repairs, which have been completed within a reasonable time from the date of notice, and the property is in good condition.
 - c) Contractors have frequently advised that arranging access to the property has been challenging
 - d) A report was enclosed with comparables of rents which had recently been achieved. Rental values in Ashford were said to have continued to increase during 2026.
13. The Tenant replied:

- a) Of the 28 properties supplied by the Landlord's agent as comparables, 14 were duplicates. Of the 14, 13 were superior in terms of property type and amenities. The remaining property was advertised at £1,450 but the Landlord's agent has reduced it to £1,350.
- b) The market analysis documents provided by the Landlord's agent suggests that the average prices have remained the same or decreased over the past 12 months.

Determination and Valuation

- 14. The Tribunal considered all the information provided by both parties. It also noted that, although there is demand in Ashford, there is a good supply of properties available.
- 15. In particular, the Tribunal noted the Tenant's commentary on the Landlord's agent comparables, where those comparables had additional amenities such as a garage or a driveway. The Tribunal also noted that the subject property is in a terrace and is not a semi-detached property.
- 16. The Tenant's analysis corresponded with that of the Tribunal's, taking account of its own expertise and general knowledge of rental values in the area.
- 17. The Tribunal considers that the market rent of the subject Property modernised and in good order would be in the order of £1,350 pcm. 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.
- 18. From this level of rent, the Tribunal has made no adjustments

Open-Market Rent

£1,350 pcm

Undue hardship

- 19. 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.
- 20. The Tenant has asked the Tribunal to fix a later starting date in this case. The Tenant says they will be caused undue hardship because their salary has not maintained parity with the increase in rent and the cost of living.

21. Given that the Tribunal has determined that the market rent is the same as the current rent, no question of undue hardship arises.

Decision

22. Therefore, the Tribunal determines the market rent at £1,350.00 per calendar month with effect from 1st June 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 (rule 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.