

	FIRST - TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL PROPERTY)
Case Reference	CAM/26UB/MNR/2026/0115.
Property	1a Clarendon Parage, Turners Hill, Cheshunt, Herts EN8 9DF.
Tenant	Ms. M. A. Wadynska.
Tenant's Representative	In person.
Landlord	G.Top.
Landlord's Address	1 Clarendon Parage, Turners Hill, Cheshunt, Herts. EN8 9DF.
Landlord's Representative	Kazim Polat Lords Property Lettings Ltd. 565 Hertford Road, Enfield. EN3 5UL.
Date of Application	11 May 2026.
Type of Application	Determination of a Market Rent sections 13 & 14 of the Housing Act 1988
Tribunal Members	Tribunal Judge Hamilton-Farey LLB FRICS. Mr. Clifford Simons.
Date of Decision	3 August 2026.
Rent Determined	£1,350.00 per calendar month.
Date the new rent takes effect	14 May 2026.

REASONS FOR THE DECISION

Background

1. On 25 March 2026 the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £1,500.00 per calendar month in place of the existing rent of £1,300.00 per calendar month to take effect from 14 May 2026.
2. On 11 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 14 January 2025m the rental period is monthly.
4. The property is described by the parties as a first/second floor maisonette above a kebab shop, with access from the rear. Comprising two bedrooms, living room, kitchen, bathroom w.c, and access to a rear garden (shared with the commercial premises). The property was let unfurnished.
5. The tenant suggests that the rent passing for the property exceeds the current market rent for a similar flat, and that the flat suffers from various structural defects, general lack of maintenance by the landlord, and that Category 1 hazards exist under the Housing Health and Safety Rating System. Although the Environmental Health Officer for Broxbourne Council visited the property in 2023, it does not appear that they have served any Notices under the Housing Act in relation to the condition of the property.
6. The tenant also suggests that the landlord has breached her quiet enjoyment of the flat in contravention of the Protection from Eviction Act, and has threatened retaliatory action against her. She says that she is unable to use the garden due to various articles from the restaurant being dumped there by the landlord. Photographs have been provided, but it is not clear whether this is commercial or domestic waste. The landlord has also provided photographs that show some children's play equipment on the grassed area.
7. The landlord disputes the tenants claims and says that the flat is over-crowded and that the tenant has deliberately disconnected smoke detectors.
8. An inspection was undertaken on 26 June 2026, during which it appears that the smoke detectors were in place and apparently working. There did not appear to

be any other issues, although the flat is not in a newly refurbished condition, and has been occupied by the current tenant for 12+ years. Photographs have been provided to show the property condition.

9. The tenant queried the validity of the landlord's notice. She says that her full name is not included and the address of the property is shown as 1 Clarendon Parade not 1A. The tribunal is satisfied that these minor omissions do not affect the validity of the notice, and that the tribunal has been able to refer the notice to the tribunal and challenge the rent.
10. The tenant submitted that properties over commercial premises generally let for between 10 and 20% less than the open market for standard flats. She has relied on three comparables of properties in the area with rentals between £1350 and £1700 per calendar month.
11. The landlord submits that the rent sought is low compared with other properties. He has provided four comparables, three of which are in stand-alone blocks. Two 2-beds have asking rents of £1850 and £1695 per calendar month. Together with a one bed flat at £1,600 per calendar month – this in a new block. The final comparable by the landlord is for a 2-bed flat over commercial property at £1,550.00 per calendar month.
12. The rental comparables provided by the parties is compelling. The tribunal considers that a newly redecorated and refurbished 2-bed flat over commercial premises would rent for £1,550.00 per calendar month. However, the subject property is not in the condition that would command such a rental, and deductions should be made for condition, room size and the fact that the commercial premises below are a food outlet, with all of the attendant noise, smell and general disturbance that would entail. The tribunal also noted from the photographs the proximity of the extractor from the restaurant to one of the bedrooms, whilst compliant would cause nuisance to the tenant. The tribunal also takes into consideration that the tenant was aware of the restaurant use when she took on the tenancy. We find that an overall deduction of £200 per calendar month would reflect those differences.
13. Our valuation is therefore as follows:

Valuation:

14. Open market rent for property above commercial unit,
recently redecorated, new flooring etc £1,550.00 pcm

Deductions for lack of modernisation, new flooring etc,
at a global figure of £200.00 pcm
Total adjusted market rent:

£ 200.00 pcm
£1,350.00pcm.

Determination:

15. The tribunal determines the market rent for the subject property in its current condition at £1,350.00 per calendar month, with effect from 14 May 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.