

	FIRST - TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL PROPERTY)
Case Reference	BIR/00FK/MRA/2026/0038
Property	6 Tayberry Close, Alvaston, Derby, Derbyshire, DE24 8YS
Tenant	Bolarinwa & Olajumoke Buraimoh
Tenant's Representative	None
Landlord	Kalpash Tanna & R. Tanna
Landlord's Address	c/o Bitex Home Limited, 8 Old Church Road, Enderby, Leicester LE19 2EE
Landlord's Representative	Bitex Home Limited
Date of Application	16 July 2026
Type of Application	Determination of a Market Rent sections 13 & 14 of the Housing Act 1988
Tribunal Members	Colin Green (Legal Chairman) Andy Churchill BSc, MRICS (Valuer Member)
Date of Decision	14 September 2026
Rent Determined	£1,200.00 per calendar month
Date the new rent takes effect	16 September 2026

REASONS FOR THE DECISION

Background

1. Under a tenancy agreement between the parties dated 6 January 2025, an assured tenancy was granted of the Property for a term of 12 months starting on 16 February 2025 to 15 February 2026. The rental period is monthly.
2. On 2 June 2026, the Landlord served a notice under Section 13(2) of the Housing Act 1988 (as amended) which proposed a new rent of £1,275.00 per calendar month (pcm) in place of the existing rent of £1,125.00 pcm to take effect from 16 August 2026.
3. On 16 July 2026, under Section 14 (A3) of the Housing Act 1988, the Tenant referred the Landlord's notice proposing a new rent to the Tribunal for determination of an open-market rent.

Allocation of Repairs between Landlord and Tenant

4. As per the tenancy agreement and section 11 of the Landlord and Tenant Act 1985.

Services Charges or furniture provided by Landlord (other than any carpets and curtain 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.

Hearing

8. Neither party requested an oral hearing or an inspection. The Tribunal is satisfied that it can properly consider this case based on the papers provided by the parties and its own knowledge and specialist expertise.

The Property

9. The Property is a semi-detached house, comprising three bedrooms – two double and one single room. There is a family bathroom, ensuite to the master bedroom and downstairs WC. The kitchen and all bathrooms are fully fitted. There is one reception room. Outside, there is a private walled garden on a corner plot, a garage and driveway with space for three cars to park. There is a carpet in the lounge and rubber flooring in the kitchen and toilets. From the photographs provided, the Tribunal considers that the Property is in good condition with good facilities.

Evidence

10. The parties completed the relevant MR1 (Tenant), MR2 (Landlord) and MR3 (Tenant's reply) forms.

The Tenants

11. The Tenants made the following comments. They consider £1,175.00 pcm to be a fair market rent for the Property. The rent was £1,095.00 when they moved into the Property in 2024 and increased to £1,125.00 in 2025 after the first year. The Landlord's proposed increase to £1,275.00 represents a rise of approximately 13.3% in a single year. In the Tenants' view, this increase is significantly above a reasonable adjustment. They also note that the Property has experienced annual rent increases since the start of their occupation. The proposed rent of £1,275.00 represents a total increase of approximately 16.4% over two years, from £1,095.00 in 2024 to £1,275.00 in 2026.
12. In respect of comparables, the Tenants have considered local rental values and believe that comparable properties in the area are generally advertised and let within a range closer to £1,150.00–£1,200.00 per month. The Landlord has referred to a neighbouring property that was marketed at a higher rent. An advertised rent does not necessarily reflect the rent ultimately achieved and the

tenancy at that property was relatively short-lived because the rent was too high. That property was empty before it was subsequently placed for sale. Taking into account the size and condition of the Property, the previously agreed rent and the wider local market evidence available to them, the Tenants believe £1,175.00 pcm is a fair and reasonable market rent.

13. In terms of rental evidence, the Tenants provided the following online details of three-bedroom properties available to let:

- a) Curzon Lane, Derby, at £1,100.00 pcm;
- b) Moorside Crescent, Sinfen, at £1,150.00 pcm;
- c) Brackens Avenue, Alverstton, Derby, at £1,050.00 pcm;
- d) Brackens Avenue, Alverstton, Derby, at £1,150.00 pcm;
- e) Boulton Lane, Derby, at £950.00 pcm.

The Landlord

14. The following comparables were provided by the Landlord:

- a) Gala Drive, Alvaston, at £1,100.00 pcm. This property has no garage and allocated parking but no driveway;
- b) Waverley Street, DE24, at £1,050.00 pcm, which has no garage or ensuite;
- c) Damson Grove, Derby, at £1,200.00 pcm. This is the closest match to a comparable, however the Landlord is unsure of the legality of this property as the advert breaches several regulations of the Renter's Right Act 2026. The parking and driveway are also smaller.

15. In addition, the Landlord also relies on two properties currently managed by Bitex Home Limited:

- a) Kiwi Drive – current rent £1,200.00 pcm. The rent was last increased on 02/12/2025 from £1,050.00 pcm. This property is a detached, but otherwise of a very similar age and condition to the Property and dimensions are also alike.
- b) Avonmouth Drive – current Rent £1,175.00 pcm. Rent was last increased on 09/05/2026 from £1,095.00. This property is a double fronted mid-terrace and very similar in size and layout to the Property but has a smaller driveway and no garage.

Determination and Valuation

- 16. Under section 14(1) of the Housing Act 1988 (as amended), the Tribunal is required to determine the rent at which the Property might reasonably be expected to let in the open market by a willing Landlord at the beginning of the new period specified in the Landlord's notice. Relevant Tenants' improvements or failure of the Tenants to comply with the terms of the tenancy are to be disregarded. Historic issues relating to the tenancy or the personal circumstances of the Landlord are not taken into account. The personal circumstances of the Tenants are only considered in respect of the date of commencement of the new rent if an application for hardship has been made.
- 17. The Tribunal considers that the Tenants' comparables are of older properties than the Property and therefore not suitable. Of the Landlord's comparables, the two properties at paragraph 15 above are to be preferred, which are achieved rents rather than asking rents. On that basis, the Tribunal considers that the market rental of the Property modernised and in good order would be in the order of £1,200.00 pcm. No adjustments are required in respect of the condition of the Property.

Undue Hardship

- 18. 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 (here, 16 September 2026) unless that would cause undue hardship to the Tenants. 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 (here, 14 November 2026).

19. The Tenants have stated that a rent increase would cause them hardship, but have provided no explanation why, or evidence in support. Therefore, the Tribunal is unable to make any finding of hardship and cannot postpone the starting date from 16 September 2026.

Decision

20. The Tribunal determines the new rent at £1,200.00 pcm with effect from 16 September 2026 as this is lower than the proposed rent of £1,275.00 pcm.

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.