

	FIRST - TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL PROPERTY)
Case Reference	MAN/00CB/MNR/2026/0293
Property	Apt 2, 126 Whetstone Lane, Birkenhead, Wirral, CH41 2TQ
Tenant	Simon Lupton
Tenant's Representative	
Landlord	Francis Breen
Landlord's Address	Office 11, Big Padlock, Champions Business Park, Wirral, CH49 0AB
Landlord's Representative	Professionals on the Move (Wirral) Limited
Date of Application	18 May 2026
Type of Application	Determination of a Market Rent sections 13 & 14 of the Housing Act 1988
Tribunal Members	Mr S Wanderer MRICS – Chair Ms J Chisholm
Date of Decision	23 September 2026
Rent Determined	£650.00 per calendar month
Date the new rent takes effect	23 September 2026

REASONS FOR THE DECISION

Background

1. On 16 April 2026, the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £650.00 per calendar month(pcm) in place of the existing rent of £425.00 pcm to take effect from 31 May 2026.
2. On 18 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 assured shorthold tenancy commenced on 31 August 2016 for a term of 12 months. The rental period is monthly. The proposed increase would be the first rent increase since the tenancy commenced.

Allocation of Repairs between Landlord and Tenant.

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

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

5. The Tenant does not pay any service charges. The Property is let unfurnished.

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. N/A.

Inspection/Hearing

8. A hearing was held on 23 September 2026 via video link. In attendance were the Tenant and the Landlord's representative, Mr Fraser John of Professionals on the Move (Wirral) Limited.
9. No inspection of the Property was carried out by the Tribunal, which relied instead upon the written, photographic and oral submissions of the parties, considered in light of the Tribunal's own knowledge and specialist expertise.

The Property

10. The Property is a 1st floor flat within what appears to be a converted building providing the following accommodation:

2 bedrooms, bathroom, kitchen, living room.
Outside: communal garden

The Property is centrally situated in Birkenhead, close to amenities.

Evidence

11. Both the Tenant and the Landlord returned the Tribunal's Reply forms and made oral submissions at the hearing.

The Tenant

12. The Tenant noted a number of historic repair and maintenance issues but confirmed that these had since largely been addressed. One issue still requiring attention was a fault with the entrance buzzer.
13. No comparables were provided, but the Tenant submitted in writing that the rent should be £500 pcm. In his oral submissions, the Tenant acknowledged that he would not be able to find alternative accommodation for less than the Landlord's proposed rent.

The Landlord

14. The Landlord's representative provided details of the following comparables all within same terrace and immediate area as the subject Property and agreed over the period December 2024 to March 2026.
- a. Apt 1, 126 Whetstone Lane £725 pcm (2 bed + box room)
 - b. Apt 1, 124 Whetstone Lane £725 pcm (2 bed)
 - c. Apt 3, 128 Whetstone Lane £550 pcm (small 1 bed)
15. In addition, the Landlord's representative provided a Rightmove 'best price guide' incorporating comparables drawn from approximately a quarter mile radius which showed 2 bed flat rents ranging between £650 and £825 pcm.
16. The Landlord's representative noted that the Property was well-kept by the Tenant and benefited from a new bathroom and combi-boiler.

Determination and Valuation

17. The Tribunal considered the comparable evidence provided by the Landlord and placed most weight upon those comparables in the same building as or immediately neighbouring the subject Property.
18. 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 in good order would be in the order of £650.00 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 comparable properties.

19. The Tribunal considered the issues as to condition raised by the Tenant but noted that the significant issues were all historic and, therefore, not of relevance to the rental determination. The Tribunal regards the question of the entrance buzzer as minor and not liable to have an impact on rental value. As such, no adjustments are warranted and the market rent is determined as below.

Market rent

£650.00 pcm

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 stated that a rent increase will cause financial hardship. A statement of the Tenant's monthly income and outgoings was provided and the Tenant confirmed he has no savings or assets to speak of.
22. In addition, the Tenant advised that he was seeking social housing accommodation through Property Pool Plus and that a backdated increase would place him into immediate rent arrears, thus jeopardising the status of his Property Pool Plus application.
23. The Landlord's representative was provided with the opportunity to comment on the Tenant's claim of hardship and noted that he did not refute what the Tenant was claiming. He noted further that from the Landlord's perspective, it was of greater importance to secure an increase to the appropriate level than that the increase should be backdated.
24. As a result of our decision the rent will increase by £225.00 per month. On the basis of the evidence supplied by the Tenant and the comments made by the Landlord, the Tribunal considers that for the increase to take effect from the date the Tribunal makes its determination would cause undue hardship and accordingly sets the starting date for the new rent as 23 September 2026.

Decision

25. Therefore, the Tribunal determines the market rent at £650.00 per calendar month with effect from 23 September 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.