	FIRST - TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL PROPERTY)
Case Reference	HAV/29UP/MRA/2026/0054
Property	Flat 3 Elm Court Elm Lane Tonbridge Kent TN10 3DR
Tenant(s)	Craig Prior & Ceilli McCormack
Tenant's Representative	None
Landlord(s)	Gary Baker GB Investments
Landlord's Address	6 South Frith London Road Tunbridge Wells Kent TN4 0UQ
Landlord's Representative	Connells
Date of Application	29th July 2026
Type of Application	Determination of an Open-Market Rent sections 13 & 14 of the Housing Act 1988
Tribunal Members	I R Perry FRICS S Johnson
Date of Decision	12th October 2026
Rent Determined	£1,120 per calendar month
Date of Valuation	12th October 2026

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Date the new rent takes effect	1st November 2026

REASONS FOR THE DECISION

Background

1. On 3rd June 2026 the Landlord's Agent served a notice under Section 13 (2) (as amended) of the Housing Act 1988 which proposed a new rent of £1,250 per calendar month (pcm) in place of the existing rent of £1,150 pcm to take effect from 1st November 2026.

2. On 29th July 2026, under Section 14 (A3) of the Housing Act 1988, the Tenants referred the Landlord's notice proposing a new rent to the Tribunal for determination of an open-market rent.

3. The tenancy commenced on 1st June 2023. The rental period is monthly.

Allocation of Repairs between Landlord and Tenant.

4. As per 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. None.

Liability for Council Tax

6. The Tenants are 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.

8. These reasons address the key issues raised by the parties. They do not recite each and every point referred to either in submissions or during any hearing. However, this does not imply that any points raised, or documents not specifically mentioned were disregarded. If a point or document was referred to in the evidence or submissions that was relevant to a specific issue, then it was

considered by the Tribunal. The Tribunal concentrates on those issues which, in its opinion, are fundamental to the application.

Hearing

9. Neither party requested an oral hearing.

The Property

10. The property is variously described but comprises accommodation on two levels including a hall, living room, kitchen, bedroom and bathroom with WC within a converted former school which now provides 4 dwellings in total.

11. The property is within an established residential area and has gas-fired central heating, double-glazed windows, a courtyard and off-road parking.

Evidence

12. The parties completed the relevant MR1 (tenant), MR2 (landlord) and MR3 (tenant's reply). The Tenants also made case management applications which were dealt with separately by the Tribunal.

The Tenant

13. The Tenant made the following comments:

    a) The Notice of increase is defective as it states the address to be 3 Elm Court rather than Flat 3 Elm Court.
    b) The Rent should be £1,000 to £1,100 pcm.
    c) Decoration and carpeting are poor, there is mould in the back wall, and the Tenants provide the white goods.
    d) There is a myriad of general wants of repair. Photographs are provided to support this.
    e) Modern properties with similar accommodation are advertised at around £1,100 pcm.
    f) The property is accessed via a Commercial Alleyway with attendant noise and nuisance.
    g) Parking bollards are a trip hazard.
    h) Daylight into the Property is poor.
    i) The kitchen is dated.

The Landlord

14. The Landlord made the following comments:

a) The Tenants' comparables do not reflect this type of property. He supplies a comparable advertised at £1,200 pcm.
b) The proposed rent is below the true market rent.

Determination and Valuation

15. The Tribunal first considered whether the Notice of Rent Increase was valid. Although the address in the Notice was stated as 3 Elm Court rather than Flat 3 Elm Court, the Tribunal determined that the address, when read together with the postcode, sufficiently identified the Property. The Tribunal therefore determined that the Notice was valid.

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 Tenant improvements or failure of the Tenant 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 Tenant are only considered if an application for hardship has been made.

17. Relying on its own expertise and general knowledge of rental values in the area, and the comparables provided, the Tribunal considers that the market rent of the subject Property, modernised and in good order, would be in the order of £1,250 pcm. This is the rent the Tribunal would expect the Property to let for in the open market at the valuation date if it were in the same general condition as the comparable properties, including having white goods provided by the Landlord.

18. From this level of rent, the Tribunal has made adjustments in relation to the following:

    a) Dated kitchen.
    b) Tenants' provision of white goods.
    c) General wants of repair and decoration.

    In making these adjustments, the Tribunal has taken into account the Tenants' written evidence and photographs concerning the condition of the Property.

    The full valuation is shown below:

Starting Rent		£ 1,250 pcm
Less		
a) Items given under a) above	£ 50	

b)	Items given under b) above	£ 30	
c)	Items given under c) above	£ 50	£ 130 pcm

Open-Market Rent £ 1,120 pcm

Decision

19. The Tribunal determines the new rent at £1,120 pcm with effect from 1st November 2026, being the beginning of the first new period of the tenancy which begins on or after the date of the determination.

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 after 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.