	**FIRST - TIER TRIBUNAL** **PROPERTY CHAMBER** **(RESIDENTIAL PROPERTY)**
Case Reference	**CAM/22UG/MNR/2026/0064**
Property	**32 Tollgate Court, London Road, Stanway, Colchester, CO3 0RE**
Tenant	**Mia Elliott** **James Moore**
Tenant's Representative	**N/A**
Landlord	**Julie Walker**
Landlord's Address	**28 Heron Road, Kelvedon, Colchester, CO5 9NE**
Landlord's Representative	**Michelle Reedie, Fenn Wright**
Date of Application	**23 March 2026**
Type of Application	**Determination of a Market Rent sections 13 & 14 of the Housing Act 1988**
Tribunal Members	**Judge Banks** **Tribunal Member Dr Jan Wilcox, FRICS**
Date of Decision	**9 October 2026**
Rent Determined	**£1,095 pcm**
Date the new rent takes effect	**N/A**

© CROWN COPYRIGHT

REASONS FOR THE DECISION

Background

1. On 27 February 2026, the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £1,150 per calendar month(pcm) in place of the existing rent of £1,095 pcm to take effect from 2 May 2026.

2. On 23 March 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 tenancy commenced on 2 May 2025 for a term of 12 months. 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 curtains 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.

Inspection/Hearing

8. A hearing was held on 09 October 2026 by video platform. In attendance were Mr Moore, the Tenant, Ms Walker the Landlord and Ms Reedie from Fenn Wright the Landlord's representative. The Tribunal has considered this case on the basis of an oral hearing, the papers provided by the parties and its own knowledge and specialist expertise.

The Property

9. The Property is a corner house forming part of a modern development, offering the following accommodation:

   2 bedrooms, living room, kitchen and bathroom

   Outside: Allocated parking space, communal garden

   The Property benefits from integrated appliances, double glazing, electric heating and new carpets

   The Property is situated in the Stanway area of Colchester easy access to local amenities, A12, Marks Tey train station and Colchester City centre.

Evidence

10. Both the Tenant and the Landlord returned the Tribunal's Reply forms.

The Tenant.

11. The Tenants contended that the properties relied upon by the Landlord were not directly comparable with the subject Property. They noted that most had private gardens and parking, two double bedrooms and, in some cases, integrated appliances. By contrast, the Tenants relied upon two properties on the same estate which they considered to be exact comparables and which, they stated, had been advertised at rents below the rent then payable for the Property. The Tenants further stated that the Property's good condition was attributable to their efforts to keep it clean and homely. They also said that, before taking up occupation, they had needed to press the Landlord to provide curtains for existing curtain rods, which they regarded as a basic requirement.

12. The Tenants provided screenshots of two properties advertised on Rightmove. One appeared to be in the same block as the subject Property and was advertised at £1,000 per calendar month, although no photographs of its interior were provided. The second property was outside the immediate area, and the only interior photograph showed a kitchen which appeared to be of a lower standard than that of the subject Property.

13. In his oral submissions, Mr Moore confirmed that he did not accept the Landlord's comparable evidence. He reiterated that the Property had no private

garden, but only a communal garden which afforded no privacy. He submitted that, although the Property had two bedrooms, the second bedroom was considerably smaller and could accommodate only a single bed and a storage unit. He accepted that he had the use of an allocated parking space; however, he stated that it was frequently occupied by visitors and that, more often than not, he was unable to park there.

The Landlord

14. The following comparables were provided by the Landlord in a Best Price Guide:

    a) Martin Hunt Drive. 2 double bed detached house £1400. driveway and garden
    b) Chapel Road. 2 double bed semi £1300. Off road parking and garden
    c) Darnel Way. 2 bed terrace £1250 off road parking and garden
    d) Dovetree Court. 2 bed semi £1150 allocated parking for 2 cars and garden
    e) Dale Close. 2 bed terrace £1150 closest comparator but no images of the interior or details of the size.

15. Ms Reedie accepted that the second bedroom was smaller, but stated that it could accommodate a double bed if the bed were positioned against the window. The Tribunal observed that dimensions of both the subject Property and the comparable properties would have assisted it in making a proper comparison.

16. Ms Reedie accepted that the property in Dale Close was the most suitable comparable, as it was situated within the same development. She submitted, however, that the subject Property was set back from the main road, whereas the Dale Close property was situated on the main road. She further submitted that similar properties were currently achieving rents of approximately £1,250 per calendar month.

Determination and Valuation

17. The Tribunal has considered all of the evidence before it, including matters not expressly referred to in these reasons, and has given such weight to that evidence as it considers appropriate.

18. The Tribunal considered that the Tenants' comparable in the same block, advertised at £1,000 per calendar month, was the most relevant in terms of location and property type. However, the advertisement was undated, contained only one photograph and provided no dimensions. The Tribunal was therefore unable to determine when the property had been marketed, assess its internal

condition or establish whether its size and accommodation were sufficiently similar to those of the subject Property.

19. The Landlord's detached and semi-detached comparables were of different property types and generally benefited from private gardens and off-road parking. The Tribunal therefore attached limited weight to them. Of the Landlord's terraced comparables, the property at Darnel Way also benefited from off-road parking and a private garden. The Dale Close property was the most relevant because it was within the same development. Nevertheless, it was advertised as having spacious bedrooms, whereas the oral evidence indicated that the second bedroom in the subject Property was substantially smaller.

20. In the absence of dimensions and fuller particulars, the Tribunal could not treat any individual advertisement as determinative. It therefore considered the evidence collectively, attaching greatest weight to the properties within the same development while allowing for differences in size, bedroom accommodation, parking, garden provision and location.

21. Having considered the comparable evidence as a whole, together with its own expert knowledge of rental values in the locality, the Tribunal determined that the open-market rent for the subject Property, in its existing modernised and well-maintained condition, was £1,095 per calendar month. In reaching that figure, the Tribunal took account of the Property's location, accommodation, integrated appliances, allocated parking and overall condition. It also allowed for the small second bedroom, the absence of a private garden and the limitations of the comparable evidence identified above.

22. The Tribunal made no further adjustment to that figure. The evidence indicated that the Property was in good condition and had been well maintained by the Tenants. There was no evidence of any disrepair, deficiency or tenant-provided improvement requiring an additional allowance under section 14 of the Housing Act 1988. The market rent was therefore determined at £1,095 per calendar month.

Market rent **£1,095 pcm**

Decision

12. Therefore, the Tribunal determines the market rent will remain the same.

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.