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|  | FIRST - TIER TRIBUNAL<br>PROPERTY CHAMBER<br>(RESIDENTIAL PROPERTY) |
| Case Reference | HAV/00HE/MRA/2026/0063 |
| Property | 15 Polventon Close<br>Penzance<br>TR18 3LD |
| Tenant(s) | Charlene Steadman & Darren Steadman |
| Tenant's Representative | None |
| Landlord(s) | Alex Morcombe |
| Landlord's Address | 10 Market Place<br>Penzance<br>TR18 2JA |
| Landlord's Representative | Antony Richards |
| Date of Application | 7th August 2026 |
| Type of Application | Determination of an Open-Market Rent sections 13 & 14 of the Housing Act 1988 |
| Tribunal Members | I R Perry FRICS<br>S Johnson |
| Date of Decision | 12th October 2026 |
| Rent Determined | £940 per calendar month |
| Date of Valuation | 12th October 2026 |
| Date the new rent takes effect | 10th November 2026 |

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## REASONS FOR THE DECISION

### Background

1. On 9th 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 £940 per calendar month (pcm) in place of the existing rent of £870 pcm to take effect from 10th August 2026.

2. On 7th August 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.

3. The tenancy commenced on 10th August 2018. The rental period is monthly.

### Validity Of Notice – Section 13B of the Housing Act 1988

4. In their application form, the Tenants have indicated that they consider the Landlord's notice to be valid.

### Allocation of Repairs between Landlord and Tenant

5. 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.

6. None.

### Liability for Council Tax

7. 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.

8. None.

### Reasons

9. 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

10. Neither party requested an oral hearing.

## The Property

11. The Property is described as a terraced house comprising a living room, kitchen/diner, 3 bedrooms and bathroom. The accommodation has gas-fired central heating and double-glazed windows. Floorings are included.

12. The property is located within a residential area approximately 1 mile northeast of the centre of Penzance.

13. Outside there is a driveway and an enclosed courtyard.

## Evidence

14. The parties completed the relevant MR1 (tenants), MR2 (landlord) and MR3 (tenants' reply).

*The Tenant(s)*

15. The Tenant(s) made the following comments:

    a) The Tenants have carried out some maintenance and decoration.
    b) There is penetrating damp in all 3 bedrooms which is damaging clothes and belongings. Photographs are provided.
    c) The interior is outdated. Kitchen and bathroom units are more than 20 years old. Kitchen laminate and door are defective.
    d) The next-door property, which has a garage, is tenanted for a lower rent.
    e) The increase will cause hardship.
    f) The Tenants provide a letter confirming they were charged additional rent to allow them to keep 2 dogs.
    g) The driveway is 5.1m wide which they state is insufficient for 2 cars.
    h) Gutters need cleaning, as evidenced by photographs.

*The Landlord(s)*

16. The Landlord(s) made the following comments:

    a) An inspection carried out by the Agent in April 2026 was provided with supporting photographs.
    b) The proposed rent is below a full market rent.
    c) The Landlord will investigate replacement of a kitchen laminate.
    d) The mould is due to condensation.
    e) The property was newly decorated in 2018.
    f) The Tenants were not charged additional rent to allow them to keep 2 dogs.
    g) A report containing comparable properties was provided, with asking rents ranging from £1,000 to £1,275 pcm.

## Determination and Valuation

17. 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.

18. Relying on its own expertise and general knowledge of rental values in the area, and the comparables provided by the Parties, the Tribunal considers that the market rent of the subject Property modernised and in good order would be in the order of £1,050 pcm. This is the rent we would expect the property to let for in the open market at the valuation date and if it was in the same general condition as the comparable properties.

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

    a) Damp and mould
    b) Dated condition of the accommodation and other wants of repair

    The full valuation is shown below:

    Starting Rent £1,050 pcm

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| *Less* | | | |
| a) | Items given under a) above | £ 50 | |
| b) | Items given under b) above | £ 50 | £ 100 |
| Open-Market Rent | | | £ 950 pcm |

## Undue hardship

20. 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 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 two months after it makes its determination.

21. The Tenants have asked the Tribunal to fix a later starting date in this case. The Tenants say that their wages have not risen by £70 monthly, they have 4 children to care for and a dad who is in late-stage dementia.

22. The Landlord did not respond to the Tenant's application for postponement due to hardship.

23. As a result of our decision the rent will increase by £70 per month.

24. The threshold for demonstrating undue hardship is high. Although the Tenants have explained the circumstances upon which they rely, they have provided no supporting evidence from which the Tribunal could conclude that the statutory commencement date would cause undue hardship. The Tribunal therefore declines to postpone the date on which the new rent takes effect.

## Decision

25. The Tribunal determines that the open-market rent for the Property is £950 pcm. However, under the provisions of the Housing Act 1988 as amended by the Renters' Rights Act 2025, the rent determined by the Tribunal may not exceed the rent proposed by the Landlord in the notice. As the Landlord proposed a rent of £940 pcm, the Tribunal therefore determines the rent at £940 pcm. The new rent will take effect from 10 November 2026, being the beginning of the first new period of the tenancy commencing on or after the date of the Tribunal's 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.