	**FIRST - TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL PROPERTY)**
Case Reference	**HAV/29UH/MRA/2026/0055**
Property	**24 Scotney Gardens, St Peter's Street, Maidstone, ME16 0GR**
Tenant	**Tomasz Dlugosz, Iwona Dlugosz and Pawel Dlugosz**
Tenant's Representative	
Landlord	**Redbrick Survey and Valuation (Receivers for Ivor Bates)**
Landlord's Address	**Sibley Pares, 1 Ashford Road, Maidstone, ME14 5BJ**
Landlord's Representative	**Sibley Pares, 1 Ashford Road, Maidstone, ME14 5BJ**
Date of Application	**28 July 2026**
Type of Application	**Determination of an Open-Market Rent sections 13 & 14 of the Housing Act 1988**
Tribunal Members	**Tribunal Judge Bowden Tribunal Member Mr N Robinson FRICS**
Date of Decision	**28 October 2026**
Rent Determined	**£1,250 per calendar month**
Date of Valuation	**27 October 2026**
Date the new rent takes effect	**16 November 2026**

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REASONS FOR THE DECISION

Background

1. On 14 July 2026, the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £1,540 in place of the existing rent of £1,440 per calendar month (pcm) to take effect from 16 September 2026

2. On 28 July 2026, under Section 13(4)(a) of the Housing Act 1988, the Tenants referred the Landlord's notice proposing a new rent to the Tribunal for determination of a market rent.

3. The Tenant's referral was received by the Tribunal on the same date it was referred.

4. The assured shorthold tenancy commenced on 16 February 2017 for a term of 6 months. The rental period is monthly. Following the amendments introduced by the Renters' Reform Act 2025, the tenancy became a periodic assured tenancy with a monthly rent period (Housing Act 1988, s. 4A).

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

5. The Tenants agreed that the notice served was valid

Allocation of Repairs between Landlord and Tenant.

6. As per section 11 of the Landlord and Tenant Act 1985.

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

7. No services are provided directly to the flat under the tenancy, but the tenancy benefits from communal services including maintenance of communal gardens and cleaning of communal areas

Liability for Council Tax

8. 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

9. There were no other terms in the tenancy agreement relevant to market rent determination.

Hearing

10. Neither party requested an oral hearing.

11. The Tribunal was satisfied that it could consider this case on the basis of the papers provided by the parties.

Inspection

12. There was no inspection. The Tenants indicated on Form MR1 that they did not think an inspection was required. The Landlord did not provide substantiated reasons for an inspection in their Form MR2.

The Property

13. The subject property is a third-floor flat/apartment at 24 Scotney Gardens, St Peter's Street, Maidstone, ME16 0GR. It forms part of a larger residential development of approximately 230 flats with communal gardens and shared common areas. The Property is located in an urban/light industrial area and is situated in close proximity to three commercial premises, all of which the Tenants say produce noise and traffic.

14. The flat extends to approximately 913 sq ft (84.8 sq m) and comprises two bedrooms, a lounge/diner, kitchen, bathroom, and en-suite shower room. There is no lift access to the flat. The accommodation benefits from double glazing, wooden flooring to the principal rooms, laminate flooring to the kitchen and bathrooms, and electric storage heating. The tenancy is unfurnished, although some white goods/appliances are provided. The development includes communal maintenance services such as cleaning of communal areas and grounds maintenance.

Improvements

15. The Tenants listed the following improvements: Repainted kitchen and bathrooms.

Evidence

16. The Tribunal carefully considered the MR1 (Tenant) and the MR2 (Landlord) and attachments provided by the parties, along with relevant correspondence provided to it in the hearing bundle.

17. In the MR2, the Landlord's agent indicated that:

    a. They did not want to charge the rent it proposed in their Section 13 Notice; and

    b. The suggested rent increase is above the market rent, and we understand that this will not increase due to the Renters Right Act.

18. A market rent assessment application cannot be withdrawn without the consent of the Tribunal. There has not been an application to withdraw the application; therefore, the application continues despite the Landlord's agent's indication on the MR2 that it does not want to charge the rent it proposed.

The Tenant

19. The Tenants provided:

    a. Form 4, tenancy agreement, images, floor plan and seven comparable properties.

20. The Tenants made the following comments:

    a. They thought the open market rent should be £1,200.

21. **Noise and environmental factors**: The Tenants say the flat is adversely affected by its location adjacent to several commercial premises, namely a hand car wash, an indoor climbing centre and a furniture/interiors business. They contend that these businesses generate persistent noise from machinery, vehicle movements, customers and outdoor seating areas, reducing the property's rental value and occupants' quiet enjoyment.

22. **Poor condition and lack of modernisation**: The Tenants state that the property has not been cosmetically improved or modernised during their almost ten-year occupation. They refer to outdated electric storage heaters, aged white goods and appliances, and heavily damaged wooden flooring, which they say was already damaged before they moved in.

23. **High running costs**: The Tenants argue that the old electric storage heating system is inefficient and expensive to run compared with heating systems found in comparable properties.

24. **Third-floor location without a lift**: The Tenants ask the Tribunal to take into account that the flat is located on the third floor and there is no lift access.

25. **Comparable properties:** The Tenants contend that even modern, high-specification apartments in newly built developments in Maidstone achieve rents of only about £1,550 pcm. They argue that the subject property is of a lower standard and lacks the build quality, energy efficiency and amenities of those developments, so the proposed rent is excessive.

Location	Type	Beds	Baths	Size	Advertised Rent

Claribel Court, Mill Wood, ME14	Apartment	2	Not stated	Not stated	£1,550 pcm
Springfield Park, Mill Wood, ME14	Apartment	2	Not stated	753 sq ft	£1,550 pcm
Priory Gate, Union Street, Maidstone, ME14 1PT	Flat	2	Not stated	Not stated	£1,400 pcm
Queen Anne Road, Maidstone, ME14	Flat	2	Not stated	Not stated	£1,400 pcm
Hart Street, Maidstone, ME16	Flat	2	Not stated	Not stated	£1,350 pcm
Scotney Gardens, St Peter's Street, Maidstone	Apartment	2	Not stated	Not stated	£1,150 pcm
Scotney Gardens, Maidstone	Apartment	2	Not stated	Not stated	£1,250 pcm
Subject Property:	Apartment	2	2 (bathroom + en-suite)	913 sq ft	Current: £1,440 pcm Proposed: £1,540 pcm

The Landlord

26. The landlord did not want to charge the rent it proposed, nor did it agree with the Tenant's proposal.

27. The landlord disputed the tenants' contention that the market rent should be as low as £1,200 pcm, maintaining that the property's location, size and accommodation justified a higher figure.

28. The landlord did not accept that the various matters relied upon by the tenants (including neighbouring commercial uses, the age of the fittings and the lack of a lift) reduced the rental value to the extent claimed by the tenants.

Determination and Valuation

29. 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 if an application for hardship has been made.

30. The Tribunal carefully considered the documents of the parties and, in particular, that the Landlord's agent indicated the proposed rent was above market value.

31. The Tribunal is satisfied that the property's location and proximity to businesses would affect market rent. The Tribunal accepted the evidence of the Tenants on this.

32. The Tribunal considers that the market rent of the property in good condition with good thermal efficiency, situated in a residential area, would be £1,300.

33. From this level of rent, the Tribunal has made adjustments in relation to thermal inefficiency, and the property being situated in close proximity to three commercial premises, which are likely to produce noise and non-residential traffic.

Starting Rent		**£1,300 pcm**
Less		
	Items given under 33 above	£50 pcm
	Subtotal	£50 pcm
Market rent for the Property		**£1,250 pcm**

Undue hardship

34. 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.

35. The Tenants did not raise undue hardship.

Decision

36. The Tribunal determines the new rent amount at £1,250 per calendar month with effect from 16 November 2026, as this is lower than the proposed but not pursued rent of £1,540 per calendar month.

Name: Tribunal Judge Bowden **Date:** 28 October 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.